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3/21/01

Joan Suther & Lori Bailey
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Burns Ranger District
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Ms. Suther & Ms. Bailey:

I have reviewed the Silvies Canyon Watershed Restoration Project Draft EIS and have a number of comments regarding the document. The Silvies Watershed is in the boundaries of the former Malheur Reservation and is not just an area "traditionally" used by the Burns Paiute. I am concerned that the tribe's occupation and use of this area is minimized. This region is of significant interest and importance to tribal members. Burns Paiute tribal members have lived in this region for 1000's of years. The Burns Paiute Tribe has interest in the Silvies River system. Oral histories and visits to the region have produced a great deal of knowledge related to current and past use by tribal members. Documentation of tribal history through oral documentation is part of a larger BPT cultural research focus of documenting, preserving and maintaining tribal culture. It is important for the Forest Service to recognize the Burns Paiute use of the area – they are the primary Indian users of the Silvies watershed.

The Tribe has used this region since their occupation of the northern Great Basin. Tribal members have and still use this area for hunting, fishing, gathering, and religious purposes. Many activities that were thought to no longer occur are still practiced by tribal families, such as traditional religious ceremonies. Gathering of plants for food, medicine and art is flourishing. Hunting for a variety of mammals is an important subsistence activity for tribal members. Fishing, with a current focus on trout, is conducted spring through fall of every year. D-1

There is a rich history alive in this region. People tell stories related to a variety of topics, including friendly contact with other Tribes, battles with the US Army and other Tribes, travel throughout their aboriginal area, and trade relations.

The Malheur Reservation boundaries are documented as

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> Beginning at the mouth of the North Fork of the Malheur River; thence up said North Fork, including the waters thereof, to Castle Rock; thence in a northwesterly direct to Strawberry Butte; thence to Soda Spring, on the Canyon City and Camp Harney Road; thence down Silvies River to Malheur Lake; thence east to the South Fork of the Malheur River; thence down said South Fork, including the waters thereof, to the place of beginning (to be known as Malheur Reservation), including all lands within said boundaries, excepting so much thereof as may have been granted for military or wagon-road purposes (Indian Claims Commission 1950).

The Burns Paiute received reparation for the loss of the Malheur Reservation after the Indian Claims Commission upheld the boundaries of the reservation and recognized tribal losses.

Tribal members indicate that their people have always been in this region. They learned to survive in the High Desert by moving from resource to resource as needed. Families or small groups would travel – occasionally meeting other families. Large winter camps developed in protected areas close to water, such as lakes, hot springs or rivers. The activities people did in the past continue to be reflected in historic and current actions. Tribal members still hunt, fish and gather as their ancestors did. This is an important part of the culture of the Silvies watershed and more description of tribal use needs to be included in the document. 1-12

One of the earliest descriptions of Indians in southeastern Oregon is in the journal of Peter Ogden (Ogden 1909-1910). Ogden described "Snake" Indians living in the area of Malheur Lake. The "Snake" Indians are now considered to have been Northern Paiute people – the ancestors of the people living on the Burns Paiute Reservation.

As settlers started moving into the area, the Indians were forced to approach the newcomers. Settlers arrived with farm and ranch animals that would eat foods normally gathered by the Indians, such as native grasses. The settlers did not recognize the native grasses as a human food source. The situation became serious for the Indians when important food sources were no longer available to them. Also, settlers often did not allow the Indians access to traditional food sources on lands they had homesteaded – a practice that continues today (BPT Elder, Age 65). The lack of food led the Indians to fight with the settlers. The settlers complained to Washington, DC about the "Indian problem". The US Army was sent to intervene on behalf of the settlers. Fort Harney was developed to control the Indians in this region. The Indians continued fighting with the settlers.

In 1868 J. W. Huntington, Superintendent of Indian Affairs in Oregon, held a meeting with representatives of the different "Snake" Indians at Fort Harney. A treaty was developed and signed by seven tribal representatives (We-You-We-Wa, Gsha-Nee, E-He-Gant, Po-Nee, Chow-Wat-Na-Nee, Ow-Its, and Tash-E-Go) (Indian Claims Commission 1950). The treaty indicated that a reservation would be developed and set aside to

provide for the "Snake" Indians. This treaty was not ratified by Congress. The primary purpose for developing this treaty was to end the continued attacks between settlers and Indians in southeastern Oregon.

> "On September 4, 1872 the Commissioner of Indian Affairs wrote the following letter to the Secretary of the Interior:
>
> Sir: I have the honor to inclose herewith a report, dated the 22nd ultimo (and accompanying map), received from T. B. Odeneal, Esq., superintendent Indian affairs for Oregon, reciting the action taken by him relative to the establishment of a proposed reservation on the headwaters of Malheur River, in that State, for the Snake or Piute Indians, under instructions contained in letter to him from this office, dated the 6th of July last....
>
> Beginning at the mouth of the North Fork of the Malheur River; thence up said North Fork, including the waters thereof, to Castle Rock; thence in a northwesterly direction to Strawberry Butte; thence to Soda Spring, on the Canyon City and Camp Harney Road; thence down Silvies River to Malheur Lake; thence east to the South Fork of the Malheur River; thence down said South Fork, including the waters thereof, to the place of beginning (to be known as Malheur Reservation), including all lands within said boundaries, excepting so much thereof as may have been granted for military or wagon-road purposes.
>
> I respectfully recommend that the tract of country embraced within the foregoing limits be set apart and reserved as an Indian reservation, and that the President be requested to issue an Executive order accordingly...."(Indian Claims Commission 1950).

The Executive Order was signed by the President on September 12, 1872. By February 1878, 846 Indians were living on the Malheur Reservation including 759 Paiute and 87 Shoshone Indians (Indian Claims Commission 1950).

Tribal ancestors were encouraged to abandon traditional practices and to become farmers and ranchers (BPT Members, Age 52, 65, and 85). Many of the Indians made an effort to accommodate the US Army and started farming. Many cooperated with the federal government's plans and made friends with the first Indian Agent assigned to the Malheur Reservation. Buildings at the site were constructed including a saw mill, mess house, commissary, and Agency office or headquarters. The saw mill produced the lumber for the agency buildings.

When a new agent, Rinehart, came and replaced Parrish, the relationship with the Indians soured rapidly. Rinehart had promised to pay the Indians cash for the work they did, but instead gave them second hand goods, which Egan, a tribal leader, and others took it as an insult. Egan had a number of meetings with Rinehart who refused to submit to the demands. Settlers began encroaching on reservation lands (Burns Paiute Elders Age 81, 79, 56 and Duck Valley Tribal Members, oral communication, 1999). The cattle ranches

and farms mentioned in the EIS (p.3-57) as encroaching on traditional land of the Wadatika were people setting up homes and ranches on the tribal reservation.

The Indians on the reservation became increasingly dissatisfied with their situation. The Bannocks arrived in the area of Agency Valley and were on the verge of starvation which inspired people from the Malheur Reservation to protest their situation (BPT Elder, Age 81). Many of the Paiutes left the Malheur Reservation to live off the land as they had always done. The Bannocks found willing allies in their decision to fight the settlement of their land, which started the Bannock War. Many of the young people on the reservation felt that they should support the Bannock people. Older Paiute people tried to convince them not to go to war (BPT Elder, Age 65). In June 1878 the Bannock War began and a majority of the Indians living on the Malheur Reservation left to join the war. Some tribal families chose not to fight and stayed behind.

The Malheur Reservation was used by the US Army during the Bannock War which includes the Silvies watershed. The Indians associated with the Malheur Reservation were taken by the US Army to the Yakima Reservation (BPT Common Knowledge and Soucie 1972). Executive Orders in 1882, 1883, and 1889 opened the Malheur Reservation to public domain (Indian Claims Commission 1950). The reservation was opened to public domain because Indians no longer lived on the land.

Some tribal members managed to escape from the Yakima Reservation by swimming or hanging onto horses to cross the Columbia River. The ones that survived made their way back to the city of Burns. They were afraid to return to the Malheur Reservation due to anti-Indian sentiments.

Representatives from the descendants of the Malheur Reservation sued the US Government for the wrongful taking of the reservation in 1950 for $3,500,000. Their first case in front of the Claims Commission was turned down, but later overturned by a federal court. The next time the Claims Commission reviewed the case they found in favor of the Tribe. A 1959 Claims Commission report indicates that the acreage under consideration for value and payment to the Tribe is 1,449,304.77 after land was taken away for wagon road grants and Indian allotments (7 Ind.Cl.Com 526:p.527). "The subject tract is located largely in what is now Harney County in southeastern Oregon. The tract also extends on its eastern border some twelve miles into Malheur County and on its northern boundary an area in the shape of a triangle extends about nineteen miles north into Grant County with its northernmost tip at Strawberry Butte in the Blue Mountains. Approximately 75 percent of the tract lies within Harney County and the balance is about equally divided between Grant and Malheur Counties. The tract extends in its greatest dimensions east and west about 60 miles, and north and south approximately 65 miles" (7 Ind. Cl. Com. 526:p.527). The Tribe was reimbursed for the wrongful taking of the Malheur Reservation at 1880 prices. The land was valued low because timber had not yet become the valuable commodity it is today.

1-3 Plants are actively gathered in the Silvies system by women, men and children. The list includes, but is not limited to: dogbane, sagebrush, rabbit brush, red osier dogwood, juniper, bitterroot, biscuit root, quaking aspen, chokecherry, grey willow, coyote willow, camas, mountain Mahogany and cattail.

One of the primary uses of plant materials is for food. The best known plants are the roots, such as bitterroot and biscuitroot. These root crops are gathered in the spring and summer for use throughout the year using a digging stick. They primarily grow in scabby rocky areas. The roots are eaten fresh or dried for storage. Root gathering is labor intensive. After digging up roots the people take them home to prepare or work on them at their campsite. The outer part of the root is stripped off. Then, the roots are hung up in muslin or laid out to dry, or they are frozen. Traditionally, tribal members would either grind them for flour or boil them. Today, people generally boil the roots for consumption. Almost every tribal family gathers roots. People are willing to travel an hour or two to get to a good gathering spot. Roots are used for daily and ceremonial use. Examples of use include the monthly Elders Meeting, funeral dinners, Reservation Day, and Annual Elders Gathering. Roots are an important part of any traditional menu.

The Burns Paiute Tribal members are actively gathering chokecherries throughout the area. Chokecherries are an important traditional food that is served at a variety of occasions. They are served at large gatherings/meetings, such as the Burns Paiute Reservation Day celebration. Tribal members of all ages consume chokecherry pudding, which is made out of chokecherries. There is also a bedrock mortar nearby the chokecherry site, which indicates that tribal members have been processing plant products in this area for a long time.

The last major category of plants is for art and utility. People use a variety of plants to construct dreamcatchers, cradleboards, dolls, baskets, mats, twine, and duck decoys. These items are used both for personal and commercial purposes. The master artists with the Tribe are the older members. They have been actively teaching their art to younger tribal members, so there is a resurgence in traditional arts.

Cradleboards, made of willow, have always been made by tribal members for carrying and protecting babies. In the past, all babies would have at least one cradleboard. Today, the majority of babies still have a cradleboard. Sometimes the cradleboards are handed down in families and used again. Larger cradleboards may be made for babies to accommodate their growth. Willow, along with red osier dogwood, are collected along riparian areas.

Fishing is actively done by tribal members of both sexes and all ages. Fish have always been an important resource for tribal members. On a number of times during fieldtrips and interviews tribal staff ended up taking people fishing. This proved valuable because it got some of the tribal men involved in the recording of tribal history. Today, the only available native fish is redband trout. As stated before, people fish spring through fall. 1-4

Many tribal families actively hunt in Harney and Grant counties, Oregon. They hunt for elk, deer, antelope, groundhog (yellow bellied marmot), rabbit, ducks and geese. These are all traditional food sources for the Tribe and are eaten throughout the year. Many tribal members still tan hides by brain tanning. The hides are used in the construction of clothing, saddles and jewelry. I-4

I-5 The point of this discussion is that this area is important to the Burns Paiute Tribe. In the Affected Geographic Area (3-24) the Burns Paiute Reservation and land in Logan Valley needs to be discussed. Plant gathering, hunting and fishing by tribal members are important uses of the Silvies Watershed (3-5). Every tribal family uses this region for cultural purposes. Careful consideration needs to occur if roads are closed in the Silvies Watershed. Many tribal members gather plants in this area and I am concerned that their traditional cultural practices may be limited. Many of the people on the reservation that are the master artists are elders and have limited mobility. These individuals need to be able to get to cultural plant and other sites in this region. I-6 Spraying of noxious weeds I-7 need to be carefully coordinated with the Tribe to avoid important cultural plant sites being impacted and/or destroyed. Little research has occurred that shows the impact of weed spraying on cultural plants. Also, the "Native American burning" in the Silvies Watershed was by Northern Paiute people and ancestors of the Burns Paiute Tribe. I have turned over the EIS to the tribal Fisheries and Wildlife Department, so you may receive comments from another staff person. I-8

Sincerely,

L. Jerofke

Linda Jerofke
Cultural Resource Manager
541-573-2088 ext.244

cc: Tribal Council

D-6

1-1. Gathering of food and non-food items is recognized as very important to the Burns Paiute Tribe. The supplemental DEIS discusses this and attempts to analyze potential effects on and relative benefits to: road access, forest restoration and sustainability of resources, fuelwood availability, and potential for employment. See SDEIS, pages 2-3 through 2-5, 2-11, 2-14, 2-16, 3-4 through 3-7, 3-14 and 3-15. See also the FEIS chapters 3 and 4 and the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

1-2. This has been addressed in the SDEIS and the FEIS. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

1-3. This was not identified as an issue during scoping, so the effects on these species were not analyzed in the DEIS. The FEIS chapter 4 describes the effects to many of these species. Most root crops like bitterroot, biscuit root and camas occupy areas that are generally unaffected by the activities we are proposing. Proposed activities were also designed to move vegetation towards its historic range of variability.

Since these are all species that developed in a fire environment, prescribed fire should have limited effects on them. The most common effect would be to kill the older growth in the perennial plants and regenerate younger plants. Also, since prescribed fire would occur in a mosaic pattern, there should be limited effects on species. Since the majority of the prescribed burning is to be done in the spring, there should be little effect on riparian vegetation; riparian areas are usually too wet to burn in the spring.

Cutting juniper should reduce the amount of juniper in the project area, but compared to the total amount of juniper in the watershed, there would be little effect. There are still numerous stands of juniper throughout the watershed that are not being treated.

Manual vegetation management activities would occur in all seasons, over several years, and throughout the watershed. There would be no effects on riparian vegetation since INFISH buffers would be adhered to.

1-4. Proposed management activities, including reintroduction of fire, should increase big game habitat (big game populations are managed by Oregon Department of Fish and Wildlife). Forage for big game would be enhanced while thermal and hiding cover may be reduced. Prescribed fire should also increase forage for rabbits and marmots. There should be a benefit to aquatic species (redband trout, ducks and geese) from proposed management in the long term, which is explained in BE/BA, pages 31-39, Appendix C.

1-5. The Silvies Canyon SDEIS pages 2-3, 2-5, 2-8, and 2-14 disclosed the importance of the area to the Burns Paiute Tribe, and the current and historic uses of the area by the Tribe. Chapter 3 disclosed the effects by alternative to the Tribe. This discussion has been updated in the FEIS. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

1-6. Although Alternative Four is preferred for vegetation treatment, the access management (road closures) portion was not preferred, primarily because it could have a significant impact on the Burns Paiute Tribe, the elderly, and the mobility impaired.

Under the Preferred Alternative, motorized access into areas still exists. Approximately 227 miles of roads would remain open in this watershed. Closures predominantly would address those spurs that serve no purpose other than to access old logging units, and those roads that are causing environmental damage. Road closures and decommissioning were designed to benefit fish and wildlife. Motorized access was identified as a significant issue in the FEIS chapter 1. Permits are available to access closed roads when justified.

1-7. No spraying of noxious weeds was proposed as part of the Silvies Canyon Watershed Restoration Project. In the DEIS, the treatment of 6 sites by “hand pulling and grubbing” was considered (DEIS, page 2-27). In the FEIS, the analysis of 12 sites by “hand pulling and grubbing” is considered (FEIS chapter 2).

For cumulative effects analysis and tiering, the DEIS referenced the Malheur National Forest Noxious Weed Environmental Analysis (April 2000) and Decision Notice and FONSI (June 26, 2000) under which 63 sites in the Silvies Canyon project area were proposed to be treated with herbicides and two sites with hand pulling. This EA is not open for review or appeal in this EIS. However, since the 2000 decision, an appeal has resulted

in treatment of the 63 sites to be changed to manual treatment. The FEIS has been updated to include this information.

1-8. In the DEIS, the term “Native American” was used so as not to exclude the probable use and claims of use of the project area by other American Indians. This has been updated in the FEIS. Refer to the FEIS chapters 3 and 4 and the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

4.18.01

Dear Ms. Bailey,

I strongly urge the highest # of roads permanently closed & de-commissioned, restoration (full) with NO commercial harvest, NO management activities within the Myrtle-Silvies Roadless area, meeting big game cover standards, NO logging old growth. Do your job. Protect the forest & the endanged, threatened & sensitive species.

Your attention to this most urgent matter would be much appreciated!

Thank-you,

Ms. Lydia Garvey
P.O. Box 487
Rosebud, SD 57570

21 22 23 12-4 2-5

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2-1. Your preference most closely matches Alternative Three, with the exception that you would prefer no management activity within the Myrtle-Silvies Roadless Area. Thank you for your comment, it has been incorporated into the EIS and is now part of the administrative record for this project.

2-2. The No Action Alternative (Alternative One) and Alternative 7a propose no management activities in the Myrtle-Silvies Roadless Area. See FEIS chapter 2 for more information.

2-3. The cover table in Chapter 3 of the FEIS shows that, prior to proposed actions, some subwatersheds met the Forest Plan standard for deer and elk winter range cover while other subwatersheds did not meet Forest Plan standards.

After treatment some big game cover values, both in winter range and in summer range, will be reduced below current values or below Forest Plan standards (see cover table in Chapter 4 of the FEIS) in Alternatives 2, 4, 5, 7, and 7a. As described in Chapter 2 of the FEIS, a Forest plan amendment would be necessary to reduce cover below the Forest Plan standards or below existing conditions that do not meet standards. As recommended in the Malheur Forest Plan (IV-28), hiding cover would be retained in unthinned patches to mitigate a shortage in satisfactory cover (Chapter 2). Analysis of effects of going below standards is included in the FEIS, Chapter 4.

2-4. Commercial harvesting in LOS (Late and Old Structure) is designed to maintain and enhance large tree structure. No trees 21 inches dbh (diameter at breast height) or greater would be harvested except in aspen stands under Alternative 4. No harvest is proposed in Dedicated Old Growth. Refer to FEIS chapter 4 for the effects to LOS and Old Growth.

2-5. The purpose and need for this project is described in the FEIS chapter 1. Generally the purpose of the proposed project is to protect the National Forest and increase forest health and long-term sustainability (DEIS 1-10). Chapter 4 of the FEIS and the project BE/BA (Appendix C) describe the potential effects to TES (threatened, endangered, and sensitive) species. Even though there may be short-term effects to some TES species, the long-term benefits of healthy riparian areas and forests would improve habitat for these species.

Malheur Wildlife Associates

Malhuer National Forest, Emigrant Creek Ranger District
HC-74, Box 12870
Hines, Oregon 97738

April 14 2001

Dear ~~Sir:~~ Attn: Lori Bailey

Malhuer Wildlife Associates(MWA) is an organization of over 100 members with interest in maintaining and improving water quality, fish and wildlife and their habitat in the Malhuer Lake Basin. Our comments on the Silvies Canyon Watershed Restoration Project Draft Environmental Impact Statement(DEIS) are both general and specific.

General Comments

The assumption that current livestock use is not adversely impacting riparian areas, wildlife habitat, fish habitat and water quality is inaccurate. Your own data shows many of these adverse impacts from grazing as do MWAs observations. Forest Service studies have cost tens of thousands of dollars to obtain data that is being ignored in this assumption. Livestock grazing is a major factor in degraded riparian habitat along significant portions of stream. Portions of Little Sagehen Creek, Silvies River, Myrtle Creek and its tributaries (DEIS p3-10 , 1" stubble height) are annually heavily grazed. If you are going to do restoration of the watershed you must include changes in the current grazing use in order to meet your objectives. You need to acknowledge grazing impacts and address them in the EIS. 3.1

The description of the 8' tall fencing is inadequate. How many miles of fence would be needed? One mile, ten miles or what? How long would the fencing be in place? What MWA has seen of FS maintenance of fences they are likely to be a tangle of downed wire due to snow damage plus trees tipping over and knocking the fences down. 3.2

Reference to INFISH (p. 2-32, 4,104) is of interest. If FS is going to refer to this document in regard to buffer strips you also need to take a look at the stubble height recommendations. Grazing lower Little Sagehen Creek riparian area to the roots annually could hardly meet INFISH guidelines nor any others for responsible land management. 3.3

The Proposed Action is inaccurate in the discussion of the impacts of prescribed burning on sage grouse and other sagebrush obligates. DEIS 4-78 states there is no impact and Appendix C gives only a cursory analysis of the impacts on this species. As you state in the DEIS this species has had its habitat drastically altered over much of its range and large scale burning may effect its habitat. Has the USFS inventoried for leks and species presence? The fact that you have only one record of it indicates the short tenure of your biologists or your failure to inventory for the species. Before any burning of sagebrush USFS should do inventory of its habitat in order to not jeopardize this species. Similarly the treatment in the text of sagebrush obligates indicates you haven't 3.4

D-11

given much thought to the impacts on these species.

The range of alternatives is too narrow. There isn't one alternative that considers livestock grazing changes. As MWA has indicated livestock grazing is having a large negative impact on water quality and fish habitat in the project area. Add a Proposed Action that includes changes in livestock use. 3-5

The literature cited section is weak. Numerous statements in the text need to be referenced including assumptions in the Purpose and Need. 3-6

Specific Comments

Page 1-10

Objective 2. Improve riparian habitat

As an objective this is necessary to support your title of watershed restoration. Your supporting references in the text (3-8 to 3-10) and our observations indicate that merely closing roads and prescribed burning, etc. are not going to accomplish the objective as livestock grazing would not be changed. The limiting factor on significant portions of riparian habitat is livestock grazing. Roads and culverts are also a problem and MWA supports the need for changes in these structures. Changes in structures are easy. Changes in livestock use are more difficult. 3-

Page 1-14,p.3-18

Fire frequency ranges need supporting references. Fire frequencies of 3 years need to be substantiated. .Is this a typo? If it is 5 years it should be referenced. Generally fire frequencies vary with vegetation types. Include a reference for fire frequencies on aspen, riparian areas, meadows, etc. 3-8

Chapter 3

Where is the figure for the miles of stream in the watershed area? This is fundamental in your discussion of how many miles of stream(perennial and ephemeral)that will be improved and where is this improvement going to occur.How many miles of fish habitat? How many miles of various PFC condition classes? Similarly , there is no listing that breaks out woodland from sagebrush/steppe. You need this in your analysis of impacts. 3-9 3-10

Page 2-37

Measures to Protect Range Resources

Reference this paragraph. Why would you burn extensive areas that are less than 50 percent of a pasture and graze it the first year after burning and call it watershed restoration ? One of the alternative should have been to change the grazing use. 3-11

Page 3-5 and 3-34

This section is confusing pages 3-5 give livestock use in AUMS. Pages 3-34 and 35,36 give the use in head months(HMs). Use a standard unit of measure. Does 3-12

USFS assume that the 11366 AUMs of cattle use does not have an effect on riparian habitat? When you grazed Myrtle Creek Meadows twice during the summer of 2000 there were very significant impacts. There are scores of scientific articles that suggest there just might be adverse impacts and your own data show that. 3-

Page 4-62,63,64

Changes in thermal cover for deer and elk are to be ameliorated by reducing road densities thereby improving habitat effectiveness. The problem with that assumption is that changes in canopy cover may be long term but changes in road densities may be short term due to a change in USFS policy, internal local in-house management decisions, and politics. Planning Documents can be amended or ignored and the habitat effectiveness may be compromised. 3-1

Malhuer Wildlife Associates appreciates the opportunity to comment on the DEIS and looks forward to significant changes in the document in the Final EIS.

Prepared by Board Members of Malheur Wildlife Associates,

Alice Elshoff, pres.

D-13

3-1. Livestock grazing is considered outside the scope of this project. Cattle grazing is a permitted use on the Malheur National Forest, as documented in the Forest Plan. Changes to the permit, in the numbers, type, distribution, timing, or duration of livestock grazed, is considered outside the scope of this project (40 CFR 1508.25). The effects of these activities are considered as part of the NEPA analysis for the reissuance of grazing permits, which is tentatively scheduled for Silvies, Big Sagehen, Crooked Creek and Scotty Allotments in 2003 – 2005. Myrtle, West Myrtle and Scatfield Allotments have current grazing EAs completed in 1996; Rainbow Allotment has a current grazing EA completed in 1991. These actions were not considered in this analysis pursuant to 40 CFR 1502.4(c)(2) (FEIS chapter 1, DEIS pg 1-23). More discussion on cumulative effects of grazing is found in the final EIS.

3-2. The 8' tall fence (DEIS, page 2-16) is an option for fence around aspen stands. The fences are usually in place for ten years or until young aspen have reached 8' in height. See also the FEIS chapter 2.

3-3. Livestock grazing was considered outside the scope of this project. INFISH covers a broad area and therefore doesn't try to dictate specific stubble height standards. The Forest has used INFISH as well as other references and an interdisciplinary process in developing stubble heights. See also response to 3-1.

3-4. The presence of sage grouse leks in the project area would be unlikely due to the early nesting period of this species. In most years, the project area would have snow on the ground during the nesting season. However, the effects on sage grouse were reanalyzed in the BE/BA (Appendix C) and the FEIS (Chapter 4) after a potential transitional lek (a site used only in years with little snow) was reported just south of the project area. A determination of "may impact individuals and their habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population of this species" was made because of the potential for effects. Oregon Department of Fish and Wildlife conducts sage grouse lek surveys, and none were found in the project area. Surveys would be done for nesting sage grouse prior to any treatments in spring in sagebrush habitats (see Monitoring in Chapter 2 of the FEIS). If nesting sage grouse were found, design features (FEIS, Chapter 2) would be used to protect nesting grouse. The effects of this project on several sagebrush associated species including sage grouse, pygmy rabbit, pronghorn antelope and Brewer's and sage sparrow were analyzed., and a more thorough discussion of the effects was included in Chapter 4 of the FEIS.

3-5. Livestock grazing is considered outside the scope of this project. See also response to 3-1.

3-6. Thank you for your comment. The Literature Cited section in the FEIS has been updated.

3-7. Thank you for your comment; it has been incorporated into the EIS and is now part of the administrative record for this project. See also response to 3-1.

3-8. Thank you for pointing out this confusion. You are correct; fire frequencies generally vary with vegetation type. Different frequencies are listed in Chapter 3 under the Vegetation Section (DEIS pages 3-17 through 3-18).

Maruoka and Agee (1994) provide this information:

- Ponderosa pine fire regimes (DEIS Low-Dry, page 3-17; FEIS Hot Dry, chapter 3): fire intervals of 3-30 years;
- Douglas-fir and grand fir fire regimes (DEIS Up-Dry, page 3-17; FEIS Warm Dry, chapter 3): fire intervals may vary from a low range of 10-25 years to a high range of 25-100 years.

These differences are based upon the predominance of different species, and variations in slope, elevation, and moisture.

Maruoka and Agee (1994) further reference fire history data collected in the Myrtle Creek area (within the Silvies Canyon Watershed Restoration project area). Their data indicate that between 1752 and 1890, there was a mean fire-return interval of 15.3 years, and an interval range of 5-23 years. This interval was used in the FEIS.

3-9. They were omitted in the DEIS and are now included in Chapter 3 of the FEIS. Total stream miles within the project area include 59 miles of Category 1, 2 miles of Category 2, and 91 miles of Category 4, for a total of 156 stream miles. Category 3 areas were not surveyed. PFC miles are described in the range analysis and Map 18 in the Silvies Canyon Watershed Analysis pages 22-24.

3-10. There are many different ways to classify vegetation, based on various factors, such as vegetation structure, site moisture conditions, site fertility, heat, climax vegetation, overstory, understory, current vegetation, and projected use. The reason that forest vegetation is broken out by Plant Association Groups (PAGs) is that Regional Forester's Amendment # 2 requires us to compare present forest structure to historical forest structure in an analysis called Historical Range of Variability. This type of analysis is not required and often impossible for other Plant Association Group (PAG) or Potential Vegetation Group (PVG). The juniper woodlands are often an ecotone between the shrub/steppe and the forested vegetation.

Treatments proposed in woodlands and shrub/steepe are either prescribed burning to closely mimic historic mosaic-type burns, or cutting juniper that has encroached into historically non-juniper sites in the last 100-150 years (trees generally less than 12" DBH but maybe up to18" DBH). Both of these treatments are designed to move the area toward historical landscape conditions.

3-11. These are general mitigation measures. Site-specific decisions on use after burning would be made based on fire severity, extent of areas burned, slopes, location, etc.

3-12. In the FEIS, HMs will not be used.

Stocking levels vary depending on the size of the area grazed and amount of forage produced. The important consideration is the utilization levels, which are set in the annual operating plan. Discussion of the cumulative effects of grazing is in the FEIS chapter 4.

3-13. The expectation is that proposed road closures and road obliterations would benefit elk and improve habitat effectiveness in the long-term (FEIS, Chapter 4). Road densities would move toward Forest Plan standards, or would be reduced to Forest standards or below and should remain at those levels. There could be change in policies in the future with a new Forest Plan, but any changes in road density would require further NEPA analysis.

Dear Ms.Bailey, April 19, 2001

I am concerned about logging of old growth trees in the Silvies Canyon Watershed. My class is studying endangered species this year. I am studying the Bald Eagle. If this logging takes place Eagle habitat will be destroyed.

Sincerely,
Evan Randall
5th Grade Student
High Lakes Elementary School

Matt F
Alex Bankston
Mrs. Riley
Nathan Rasmussen
Gannon Hall
Jessica Schafer
Austin
Madison Welch
Becky Creswell
Andrew Schlaich
Nicholas Scott
James. H
Christin
Sands
Marco Mazariegos

D-16

4-1. There would not be logging of old growth trees unless the trees were a hazard to people. Bald eagles require old growth trees for nesting and roosting. We plan on preserving old growth trees by thinning the smaller trees around potential eagle nesting areas. Thinning the smaller trees would protect the large trees from wildfires and diseases. Timber harvest in the Bald Eagle Management Area on the eastern boundary of the project area would be limited and would not destroy eagle habitat. As discussed in Chapter 4 of the FEIS and in the Biological Assessment Appendix C (FEIS), proposed treatments would not adversely affect bald eagles or their habitat. Section 7 consultation was completed for bald eagles, and the Letter of Concurrence for consultation dated 9/26/01 is in the Project Record.

4-17-01

Dear Ms.Bailey,

I am concerned about logging of old growth trees in the Silvies Canyon Watershed. My class is studying endangered species this year. I am studying the Bald Eagle. If this logging takes place Eagle habitat will be destroyed. 5-1

Sincerely,
Evan Randall
5th Grade Student
High Lakes Elementary School

27 N.W. Mueller
Bend O.R 97701

D-18

5-1. See response 4-1.

April 16, 2001

Malheur Forest
Atten: Lori Bailey
Emigrant Creek Ranger District
HC-74, Box 12870
Hines, Oregon 97738

Dear Lori Bailey,

We have recently received an alert regarding the DEIS for restoration in the Silvies Canyon Watershed. Our group has spent many years reviewing Forest Service proposals of various sorts and have little trust that much of the proposed "restoration" will accomplish much of anything.

We support the Blue Mountain Biodiversity Projects recommendation that Alternative 10 (Minimum Restoration without Commercial Harvest) be chosen with the exception that it not occur in the Myrtle-Silvies Roadless Area. Much public support was generated for the President's Roadless Area protection plan (now on hold) and it was precisely because these areas are the last ones showing ecological integrity. I.e. clean water, old growth, intact ecosystems, habitat complexity, etc. | 6-1

Large trees of any species (juniper), living or dead or dying, should never be cut for any reason. Biodiversity in the Pacific Northwest now depends upon reclaiming the old growth matrix that most species developed with. Complexity should now be the name of the game and not forest simplification under the misguided belief that we can and should control natural processes. 6-5 | 6-2

Restoration, which will close roads, however has our undying support and admiration. This rebuilds connectivity for wide ranging species and should help stop the many acknowledged problems caused by roads. | 6-3

Reducing the stocking levels of domestic livestock could also help genuinely restore the watershed. | 6-4

Sincerely,

Linda Driskill

Linda Driskill

D-20

6-1. Thank you for your comment. Alternative 10 in the DEIS has been renumbered to Alternative Six in the FEIS. In the FEIS, the No Action Alternative and Alternative Seven-a propose no activities within the Myrtle-Silvies Roadless area.

6-2. The greatest biodiversity exists when you have a variety of stand structures. A variety of structures provides habitat for a diversity of species. When biodiversity of conifer tree species is increased often this results in a decrease in biodiversity of other vegetation species (such as grasses, forbs and shrubs). See also response to 6-5.

6-3. The effects of road closures on wildlife and other resources are discussed in Chapter 4 of the FEIS.

6-4. Livestock grazing was considered outside the scope of this project. See also response to 3-1.

6-5. One objective of the Silvies Canyon Watershed Restoration Project is to reduce stocking levels of smaller diameter trees to protect existing large trees and to enhance the growth of the smaller trees. The only circumstances in which larger diameter or old growth trees would be cut or killed are: 1. Hazard trees – trees posing a hazard to workers or the general public; 2. Large trees that are inhibiting or shading aspen stands in excess of historic levels; 3. In aspen stands outside of riparian buffers where wildlife needs such as snags and large woody material are met (DEIS page 2-8).

Laurie Solomon
10935 NW 2nd St
Portland, OR 97231

Attn: Lori Bailey
Malheur National Forest
Emigrant Creek Ranger District
HC-74, Boc 12870
Hines OR 97738

April 20, 2001

Dear Ms. Bailey,

Please consider this to be my comment on the "Silvies Canyon Watersbed Restoration Project" proposal. I object to this proposal, and most especially the preferred alternative for many reasons. The one that is the most egregious is the proposal to severely impact one of the last remaining roadless areas, the Myrtle-Sylvies Roadless Area. This alone makes this proposal unacceptable. Unless your agency is sure that the protections Clinton and now the new forest service chief seem to want to extend to what precious few unroaded wild places still exist will NEVER be granted by the Bush regime, it would be prudent to wait for the final decision about roadless protection before putting this one up for sale. Please honor the intent of the roadless directive, and uphold the law for now, instead of slipping this sale in while the jury is still out on roadless protection. Burning & thinning and riparian disturbance in the Myrtle-Sylvies old growth Roadless Area is not likely to result in restoration; only destruction can result. Leave the roadless area as it is, wild and flowing in ecological balance. 7-1 7-2

As for the roaded part of the proposed restoration area, closing and decommissioning roads seems to be what the gov't funding is expected to cover. With this in mind, and the fact that this project is considered to be for the purposes of "restoration", Alternatives 3 & 4 are most likely to receive federal funds for implementation. These 2 alternatives are also in keeping with the stated intent of this project. Alternative 10 has good road closure plan, and should be incorporated into the final decision. However, Alternative 10 allows for the aforementioned disturbance of the Myrtle-Sylvies Roadless Area. This aspect of alternative 10 is unacceptable. The focus should be to close, permanently close, and decommission the roads based on their contribution to environmental impacts 7-3

Another problem I have with this proposed restoration project involves the proposed amendments to the Forest Plan. Big Game cover standards MUST be adhered to. Logging of trees greater than 21" dbh in aspen stands has no purpose with regards to the stated intent of "restoration". It should not be allowed to target a small area for an amendment that is this vague, and allowing the logging of "excess", "dying" live old growth trees allows too much discretion on the part of the logging personnel to adequately provide protection for wildlife habitat and forest diversity. In fact, the preferred alternative, quoting the Draft EIS, p. S-24 specifically says: "Of the action alternatives, The Preferred Alternative has the highest potential for causing negative effects from vegetation management activities to aquatic habitat because it proposes the highest combination of acres of commercial harvest, miles of temporary road construction, and miles of road activities related to timber harvest (ie. truck traffic, road reconstruction and road maintenance)." 7-4

The analysis of potential impacts to listed Endangered, Threatened and Sensitive species is insufficient to determine the extent to which forest dwelling species would be impacted by this sale. However your agency has determined in the EIS that there will be adverse effects on the following TES species: Deschutes milkvetch, Blue Mountain Caddisfly, Wolverine, Preble's shrew, Redband trout, Malheur Mottle Sculpin, and Bald Eagle. Under the Preferred Alternative, winter range cover for deer and elk would fall further below the cover standards set by the forest plan, and the summer cover standards would be substandard as well. Burning and logging could ; by your agency's own admission, threaten nesting and reproductive success for Neotropical migratory bird species using this area. In every way this preferred alternative breaks the very guidelines set up in the NW Forest Plan that your agency is required to adhere to. Amendments to cover standards for this sale are not appropriate and would not further any restoration cause, and would in fact set this area back and make it even more in need of restoration after the sale than it is right now. 7-6 7-5

D-22

As a regular user of the National Forest and as a taxpaying citizen of the United States, I object to the unnecessary impact this sale will have on the animal and plant species in this area, given the Forest Service's admissions of full knowledge of these impacts, and I also object to the degradation of yet another roadless area, which blatantly goes against the recent directive to protect roadless areas now and in the future. Please comply with the law, and with the intent of the Roadless Protection policy which still stands, despite lack of enforcement. 7-7

I support an alternative similar to Alternative 10, without the burning , thinning, and riparian disruption of the Myrtle-Sylvies Roadless area, and also incorporating the number of road closures and decommissioning described in alternative 4, basing the reasons for closure on each road's environmental impact at this time. This would be a true "restoration" project. The Roadless area should be left untouched. 7-8

Thank you for considering my comment. I look forward to your timely reply.

Sincerely,

Laurie Solomon

Laurie Solomon

D-23

7-1. All action alternatives in the DEIS were developed not to preclude implementation of National Forest System Land Resource Management Planning regulations at 36 CFR 219 (65 FR 67514, November 9, 2000), Administration of the Forest Development Transportation System regulations at 36 CFR 212, Forest Service Transportation Administrative Policy (66 FR 3206, January 12, 2001), and Roadless Area Conservation regulations at 36 CFR 294 (66 FR 3244, January 12, 2001). Since the DEIS, interim direction for Roadless Area protection was published in the *Federal Register* on August 22, 2001 (66 FR 44111) and Forest Transportation System Analysis and Roadless Area Protection on December 20, 2001 (66 FR 65796). This direction was used for alternative development and management of roadless areas in the FEIS. Inventories to consider areas that might be eligible for wilderness designation are done as part of Forest Plan revision. The Malheur Forest Plan revision process is due to start in fiscal year 2004. The current criteria used for these areas are found in Forest Service Handbook 1909.12 – Land and Resource Management Planning Handbook, Chapter 7.

7-2. The effects of proposed precommercial thinning and prescribed fire in the Myrtle-Silvies Roadless Area for each alternative are found in Chapter 4 of the DEIS. This discussion has been updated in the FEIS. The No Action Alternative and Alternative 7a propose no activities in the Myrtle-Silvies Roadless Area.

7-3. The Purpose and Need for Action statement in the FEIS (page 1-10) has been updated.

In the FEIS, Alternatives Three and Six rely wholly on appropriated funds from Congress to successfully implement the restoration activities. Based on recent funding levels, only a portion of the work would be accomplished (DEIS pages 2-14 and 2-25).

The Preferred Alternative, Alternatives Two, Four, Five, and Seven-a would rely on funding generated from harvesting timber as well as appropriated funding to accomplish needed restoration activities. Additionally, these alternatives would utilize the purchaser to implement road closures on roads used during timber sales. Effects are displayed by Alternative in the FEIS chapter 4.

7-4. To restore aspen a range of treatments were developed. Alternative Four is the only alternative that allows logging (felling and removal of the log) of trees greater than 21" dbh in aspen stands. The other alternatives allow a variety of treatments from no action to such activities as snag creation and felling for large woody debris.

Regarding the old growth issue, there are at least two scenarios in this watershed. The conifer forests have fewer large old trees but a higher stocking of younger trees than historically. The aspen forests may or may not be above historical levels in old trees, but have few young trees. In comparison of rarity, aspen trees are much more rare on the landscape than conifers greater than 21 inches.

Aspen communities along with other riparian vegetation support a wide variety of life forms. Within the Blue Mountains, 1% of the land area is within stream zones, while 60% of bird species rely on riparian habitat for feeding or reproduction. The specific value of aspen communities to wildlife varies according to the species composition of the understory and the relative age of the aspen. The number of life forms that use aspen communities for both reproduction and feeding is almost the same for all aspen successional stages.

7-5. The project BE/BA (Appendix C) thoroughly discusses the potential impacts to forest dwelling species and other species that occur, are suspected to occur, or have potential habitat in the project area: with references to scientific documents. The adverse effects to TES species would be minor, short in duration, and with specific mitigations designed to avoid impacts. Section 7 consultation has been completed for Federally listed threatened and endangered species, and the Letter of Concurrence for consultation dated 9/26/01 has been added to Appendix C.

The effects to neotropical migratory birds are discussed and analyzed in Chapter 4 of this FEIS. As described in Chapter 4 of the FEIS, some bird species would be reduced by this dry forest restoration while many other species native to dry forest would benefit (Altman 2000, OR-WA PIF 2001, Tiedemann et al. 2000). Design elements described in Chapter 2 of this FEIS would help to protect migratory birds. The Northwest Forest Plan applies to Federal lands within the range of the northern spotted owl, and does not apply on the Malheur National Forest.

7-6. See response to comment 2-3.

7-7. See response to comment 7-1.

7-8. See response to comment 6-1.

April 21, 2001

Lori Bailey
Malheur National Forest
Emigrant Creek Ranger District
HC-74, Box 12870
Hines, OR 97738

Dear Ms. Bailey,

I am writing to submit public comment for the Silvies Canyon Watershed Restoration Project. As a former resident of Oregon, and a citizen concerned about the state of our national forests, I wish to express my disappointment that your district has selected as its preferred alternative for this project the alternative with the maximum amount of commercial logging under the guise of "restoration". It is especially disappointing that you are proposing to combine this maximum amount of logging with a lower number of miles of road closure than originally included in this alternative.

I am also alarmed to see your plans to conduct burning and thinning projects within the Myrtle-Silvies Roadless Area. The native forests contained within National Forest roadless areas are invaluable repositories of natural forest processes, and must not be disturbed, even by well-intentioned human efforts. 8-1

I hope that you will change your preferred alternative to alternative 10, "Minimum Restoration without Harvest", with the following exceptions: Incorporate the maximum number of miles of road closures, as proposed in the original alternative 4, and refrain from any management activities within the Myrtle-Silvies Roadless Area. Such a plan would retain the integrity of the roadless area ecosystem, improve the ecological value of areas currently degraded by excessive roads, and provide for honest, science-based restoration efforts in areas previously disturbed by commercial logging activity. 8-2

Sincerely,

Karen Wood-Campbell

Karen Wood-Campbell

9460 SARATOGA DR.
PITTSBURGH, PA 15237

D-26

8-1. The Myrtle-Silvies Roadless Area developed under a fire regime of frequent (5-23) low intensity fires. Within the last 100 years effective fire suppression has drastically changed the fire frequency in this area. The proposed activities were designed to re-introduce fire into the ecosystem.

8-2. See response 6-1.

4.17.01

9

Lori Bailey
Emigrant Ck. RD

I am commenting on the Silvies Canyon Watershed Restoration Project.

There should be no burning, thinning or riparian restoration in the Myrtle-Silvies roadless area. I suggest choosing Alternative #1 the No Action Alternative but amending it with the restoration proposal from Alternative #10 and the road closure and decommissioning from Alt. #3 to close 160 miles of roads. This area needs far fewer roads, much more correct restoration and no commercial harvests. It is time to face the future and begin landscape level forest wide restoration in areas of past mismanagement. 9-1 9.2

There is currently a timber glut on the market and your proposed act has the highest potential for negative impacts of all the alternatives as well as affecting the Elk and Deer summer range standards, illegally reducing them below the Forest Plan standards. 9.3
Do the right thing by restoring and closing roads, no commercial harvest and leave the roadless areas alone.

Please send me the FEIS and the DN etc.... and any related documents concerning this project.

Mark Day
PO Box 4946
Portland, OR. 97208

Mark Day

D-28

9-1. Alternative One – The No Action alternative and Alternative Seven-a propose no management activities in the Myrtle-Silvies Roadless Area. The effects on the Myrtle-Silvies Roadless Area are described by alternative in the FEIS chapter 4.

9-2. You prefer the lighter restoration of Alternative Ten with the maximum road closure and decommissioning of Alternative Three, and no other activity. Thank you for your comment; it has been incorporated into the EIS and is now part of the administrative record for this project.

9-3. The Purpose and Need for Action statement in the FEIS (page 1-10) has been updated. Neither the "timber glut" nor the "timber market" is the driver for treating forest vegetation. See response 2-3, and the effects of reducing big game cover in the FEIS chapter 4.

Malheur Lumber Company
P.O. Box 160 • John Day, Oregon 97845
(541) 575-2054 FAX 575-2057

April 16, 2001

Malheur National Forest
Emigrant Creek Ranger Dist.
Attn. Lori Bailey
HC-74 Box 12870
Hines, Oregon 97738

RE: Silvies Canyon DEIS

Dear Lori Bailey,

Thank you for the opportunity to comment on the Silvies Canyon Watershed Restoration Draft EIS. We appreciate your efforts in trying to restore the area and produce some timber volume. The following comments are offered as ways to help improve your project. Many of the comments address the concern that timber sales may not receive bids.

Upon reviewing the area, it appears that much of the volume produced will be small and of low value. Some will have no value at all. To help pay for your restoration, large trees in excess of Forest Plan Standards need to be salvaged as discussed on page 1-25. A few of these trees go a long way fiscally toward reducing the stocking of smaller stems. Such items could be very important on a project that may not be economically feasible as a timber sale.

From an operations standpoint, there are several things listed in the DEIS that add costs to a timber sale, but have little benefit to resources. One such item is ripping skid trails and landings. This practice can increase sediment more than roads or skidding, but it is prescribed regularly. In this project it should be used only when compacted areas are observed. This should be very rare since skidding is only to occur during dry, frozen or snow covered conditions. 10-1

Designating skid trails at 120 feet spacing will also increase costs and possibly compaction. Felled trees will need to be packed to the skid trails. This will increase the amount of trips a machine makes over the land, which increases compaction and costs. The sale administrator should look at the terrain and timber type to judge the layout of skid trails and then approve them. A requirement of 120 feet spacing will only lead to problems for the people and the resources involved. 10-2

D-30

Requiring borax on all ponderosa pine stumps over twelve inches is also very costly with little or no benefit. Research indicates that stumps less than eighteen inches in diameter rarely act as infection foci. It also states that special measures to prevent damage are needed only in stands within one mile of severely affected stands. Spreading borax based on these criteria, as opposed to the shotgun approach being taken, would save the Forest Service a tremendous amount of money on this project. 10-3

Burning is an issue that is quite contentious for the Forest Service. However it is a tool that can be utilized if done properly. We would recommend that burning only be done in the fall to reduce threats to nesting wildlife and the possibility of escape through the summer. 10-4

In addition, fire should not be used to thin trees. Thinning manually produces better results with less risk. The role of fire should be limited to reducing fuel loads on the ground and burning slash piles. Using it in that manner will reduce much of the negative impacts associated with using fire. 10-5

With the Forest Service touting recreation as a major part of the economy, it does not make sense to reduce the amount of dispersed recreation sites through road closures. These areas are often traditional places for families to camp, and eliminating them will reduce the appeal of the outdoors to those people. In areas where dispersed recreation exists it should be enhanced, not eliminated. 10-6

Please use these comments as you move through the process toward a decision. There is a very real possibility that the Forest Service may have to use part of their budget to fully implement this project because the value of the timber will not cover it. It is unfortunate that this is the case since the timber value is there, it's just not being harvested. That said, we hope you are successful in your restoration efforts. If we can be of any help or if you have any question please contact us at the address above. 10-7

Sincerely,

Steven J. Courtney, CF
Operations Forester

D-31

10-1. Subsoiling of skid trails and compacted areas to restore infiltrative capacity and reduce potential for surface flow, as well as scattering woody material over disturbed sites to provide enhanced surface cover, dissipate velocities, and trap sediment on the slope, would be implemented on a site specific basis as needed as determined by hydrologist or soil scientist. When subsoiling is determined necessary, it would occur when soil moisture conditions are less than 20 percent at depths of 4-16 inches. Subsoiling volcanic ash soils may occur at soil moisture levels up to 30 percent with recommendation by a hydrologist or soil scientist. Subsoiling within 66 feet of springs and seeps, and within 33 feet of the bottoms of draws would be avoided. Subsoil landings where compaction and potentially hydrophobic soil exist, if soil depth and rock content permit subsoiling. Landings would be seeded with local native seed or non-persistent non-native species, or planted with conifers where appropriate (FEIS chapter 2).

10-2. Approved designated skid trails would be required on all harvest units to reduce soil compaction and displacement. Existing skid trails would be used whenever possible, however, no skid trails would be used within RHCAs. Skidding equipment would be restricted to skid trails. Tractor trails would not exceed approximately 14 feet in total width over 90 percent of the length except where otherwise authorized. Skid trail and trail spacing would not generally be closer than 120 feet center to center, where parallel trails are used and 90 feet, center to center at midpoint when radial trails are used. Exceptions would exist where skid trails converge at landings. Water-barring and/or slash placement on skid trails would be required where the potential for erosion exists. Forest Service Manual direction and the Forest Plan recommend that skid trails over 20% gradient and areas of disturbed soil within 200 feet of streams be erosion control seeded and that these skid trails be water barred (FEIS chapter 2).

10-3. "The recommended minimum stump treatment size is 12 inches diameter for pine and true firs felled using chainsaws. Where mechanical shearers are used, the minimum diameter should be reduced to 8 inches. High elevation true fir stumps should be treated down to 8 inches regardless of type of felling. Stump size recommendations have varied in the past, especially between different USDA Forest Service Regions and states." *Craig L. Schmitt, John R. Parmeter, and John T. Kliejunas. Annosus Root Disease of Western Conifers. USDA Forest Service. Forest Insect & Disease Leaflet 172. Revised February 2000.*

Annosus root disease is common in ponderosa pine stands on the Emigrant Cr. RD. Presence of annosus root disease in ponderosa pine stands greatly decreases the potential for managing ponderosa pine. These sites are usually too dry to effectively grow alternative tree species, so preventing the introduction and subsequent increase of annosus root disease is crucial for managing ponderosa pine. Annosus root disease is also widespread at low elevations where Douglas fir and true firs are in association with ponderosa pine.

10-4. Due to excessive fuel loading in the project area, fall burning would have to be preceded by at least one spring burn in several locations. Spring burning would reduce the potential of an escaped prescribed fire and the loss of valuable wildlife habitat. As described in Chapter 4 of the FEIS, most spring burning would occur prior to June 1. This would reduce the impact to birds by generally avoiding nesting activities early in the year. The effects of burning on nesting birds are discussed in Chapter 4 of the FEIS.

10-5. The NEPA process requires response to comments received during scoping. Some responders wanted us to analyze alternatives where stocking was reduced using only precommercial thinning and prescribed burning.

We agree that most often manual thinning produces better results because the residual trees are individually selected. Once the trees are thinned, though, the slash needs to be treated. Due to the amount of area that needs to be treated, the economics of treating some areas, and the size of the trees, prescribed burning may reduce stocking and reduce the percentage of fire sensitive species.

10-6. Recreational opportunities were considered. Roads with resource concerns would be closed, decommissioned, or repaired and left open. Dispersed campsites were identified and all attempts would be made to provide access. In some cases, the type of access to identified dispersed campsites would be changed from motorized to non-motorized access. The effects to dispersed campsites by alternative are described in FEIS chapter 4.

10-7. This is recognized as a necessary investment in restoring the ecosystem. Similar investments have been made both in the past and currently.

MALHEUR
Timber Operators, Inc.
P.O. Box 928 • John Day, OR 97845 • (541) 575-2711 • FAX (541) 575-2

April 23, 2001

Malheur National Forest
Emigrant Creek Ranger District
Attn: Lori Bailey
HC-74 Box 12870
Hines, OR 97738

RE: 1950, 2/27/01 Silvies Canyon DEIS

Dear Mr. Keniston:

Malheur Timber Operators, Inc. and KLE Enterprises, Inc. submit the following comments regarding the Silvies Canyon Watershed Restoration Project Draft Environmental Impact Statement. These joint comments are submitted to insure that both organizations are recognized as active participants in the NEPA process and included on the information distribution list. Both organizations have submitted scoping information.

- Chapter 1 Purpose and Need is complex and confusing which makes it impossible to identify the underlying purpose and need to which the proposed alternatives, including the proposed action, are designed to respond to and implement. The underlying purpose and need is not briefly stated. | II-1

- It is misleading and improper to present and use in the analysis RHCA's as a Forest Plan Management Area. Regional Forester's Amendment 2 did not establish new "Management Areas". This is most misleading when MA 3A is made a part of the RHCAs. | II-2

- The project area contains 30,500 acres of MA 1 designed to emphasize timber production on a sustained yield bases while providing for other resource values. The Modified Proposed Action is designed to accomplish a suggested purpose and need on 29,000 acres that changes the definition and use of MA 1 to one that moves the stand composition towards historic ecosystem conditions. This change in MA 1 requires a Forest Plan amendment and an analysis that supports the amendment. | II-3

- The discussion on page 1-25 concerning the commercial harvest of trees greater than 21 inches DBH needs to properly disclose the direction in Regional Forester's Amendment 2 and his policy letter dated October 2, 1997. | 11-4

- Alternative 3 is in direct violation of the Forest Plan because it is designed to cut and not harvest trees up to 9" DBH and not recognizing that the Forest Plan and current commercial timber sales recognize trees 7" DBH and greater as commercial timber. | 11-5

- The DEIS discusses in considerable detail and references Forest Plan standards concerning big game hiding and thermal cover. While discussing hiding cover the discussion includes security from hunters which is not included in the Forest Plan and the objective has not been developed. Also no discussion has been included that discloses the effect of Stand Structural Stages (Historic Range of Variability) objectives and implementation and the effect on Forest Plan cover standards. The inability to reasonably manage land under this concept as it is disclosed and presented under Effects on Vegetation Condition (Issue 4) page 4-27. | 11-6 | 11-7

- The review of Appendix A discloses a serious question about the justification and cost-effectiveness of road closures that are not discusses under effects. A large number of roads scheduled for closure range from 0.05 mile to most being well under 0.5. For example, the effects section of the DEIS does not disclose how wildlife habitat is benefited by closing these short roads and if the cost is justified. Logic and wildlife habitat science does not support these actions. | 11-8

- The implementation direction to girdle trees (especially over 21 inches DBH) based on broad standards without site specific analysis and justification that discloses different options that include cost effective possibilities is a major concern and needs to be addressed. | 11-9

- Page 9 and 11 of the combined BE/BA needs to reference the Regional Office 270 letter dated 3/12/01 concerning no lynx in Oregon. | 11-10

- Page 16 of the combined BE/BA under the discussion concerning wolverine is the only reference we could find concerning the effect of LOS Management on PETS species. This appears to be an omission. | 11-11

In general we can only express disappointment in this DEIS. Major points are:

- The DEIS as scheduled in the NOI has been delayed of one year. | 11-12

- The decision that an EIS was necessary without first doing an EA was flawed and most likely resulted from the decision to attempt to use the NEPA process to analysis a series of action in one document that are not "connected actions". | 11-13

- The attempt to be "politically correct" by attempting to avoid recognizing timber harvest based on sound silviculture and resource management as directed by the Forest Plan has resulted in delays and unreasonable expenses. To analyze 7 subwatersheds consisting of 65,000 acres and develop the no action and two alternatives that do not include timber harvest is unrealistic and is not in keeping Item 3 of the purpose and need on page 1-10 and the Forest Plan. Violations of the Forest Plan are well documented under Effects on Vegetation Condition (Issue 4) page 4-27. The DEIS Public Notices of availability draws attention to the DEIS being 466 pages as if this was a measure of success. 11-14 11-15

Please include us in all mailings and communication opportunities concerning the development of this EIS.

Sincerely,

Malheur Timber Operators, Inc.

Ken Evans

Ken Evans CF
Forester

cc:
mnf

11-1. Thank you for your comment, the Purpose and Need for Action statement has been updated in the FEIS (page 1-10).

11-2. The FEIS chapter 1 states, "The Forest Plan (1990) divided National Forest System Lands into Management Areas (MA), each with different management goals, resource potential, and limitations. Forest Plan Amendment #29 (1994) amended MA 3A and 3B (Riparian Areas) and provided desired future conditions for each of these MAs. Additionally, this amendment provided more specific numeric standards for these MAs. Standards are now based on the same scientific information used in PACFISH (March 25, 1994). Riparian Habitat Conservation Areas (RHCA) were created with PACFISH. In this manner, RHCAs are not management areas; however, they amend the Forest Plan and incorporate new goals, objectives, standards, guidelines, and management direction. These new standards take the place of direction described in the Forest Plan. The Forest Plan also identified Roadless Areas.

11-3. In the Multiple-Use Sustained-Yield Act (MUSYA) of 1960 sustained yield is defined as "*Sustained yield of several products and services'*, which means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land. The Forest Plan was developed to comply with the National Forest Management Act of 1976 which references MUSYA numerous times (Sec. 2. (3); Sec. 6. (e)(1) and (2); Sec. 6. (g); and Sec. 14 (a)).

Historical (as defined in the FEIS chapter 3) vegetation conditions are the only vegetation conditions that we can be fairly certain were sustainable over a fairly long time period (several thousand years). There is little doubt by professionals that we currently do not have sustainable vegetation conditions on the Malheur NF.

Regional Foresters Amendments 1 and 2 analyzed and amended the Forest Plan and developed HRV guidelines. Although these were interim guidelines they are still applicable today. The Proposed Action is in accordance with these Forest Plan Amendments and thus does not require a Forest Plan amendment or analysis.

11-4. It is not necessary to discuss all direction received in the past in the DEIS or the Final EIS. According to 40 CFR:

1) Part 1500.4, "Agencies shall reduce excessive paperwork by" … "(b) Preparing analytic rather than encyclopedic environmental impact statements".
2) Part 1502.2 (a) "Environmental impact statements shall be analytic rather than encyclopedic."
3) Part 1502.2 (c) "Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA and with these regulations."

Regarding the direction in the two documents, we can only guess that you are referring to the following:

1) "What is a "large tree" or "common occurrence of large trees" on the Fremont National Forest in Oregon in not necessarily the same on the Okanogan National Forest in Washington and the revised classification allows this appropriate distinction. Forest Supervisors retain the option to amend their individual forest plans when site-specific conditions warrant a deviation from these revised interim standards" (*Regional Foresters Amendment 2*). The Malheur NF has not chosen to change the 21" DBH definition of late or old growth trees.

2) The Policy letter dated October 2, 1997 established: "1. A clear and compelling case can be made for the biological or ecological urgency to cut large trees in the short term (i.e., next 5 years). 2. The amendment is unique or uncommon and is not being commonly applied across landscapes (watersheds and larger)."

This section in the FEIS has been updated in regard to dead, dying and downed trees.

11-5. If Alternatives Three or Six were selected, the ROD would include a Forest Plan Amendment to allow cutting and leaving trees 7-9" dbh, if required.

11-6. There is no Forest Plan standard for hiding cover. However, the Malheur Forest Plan (IV-28) recommends retaining hiding cover to mitigate shortages in satisfactory cover; since shortages of satisfactory cover exist in the project area, the discussion of hiding cover was included to provide information to the public. At least one of our publics brought up hiding cover during scoping and wanted us to analyze it.

11-7. None of the Alternatives propose to move to HRV; each alternative moves vegetation towards HRV, some more than others. Cover standards are not directly related to stand structural stages. Therefore, we did not attempt to analyze by HRV. The effects of each alternative as it relates to HRV are described in chapter 4 of the FEIS.

11-8. Road closures, however small, promote wildlife habitat by allowing native vegetation to return, provide cover, and eliminate some fragmentation of habitat. Closures on these smaller spur roads are designed to be cost effective. Also, some roads are proposed for closure for reasons other than wildlife habitat and some roads would be closed by the closure of adjacent roads. Chapter 4 of the DEIS (pages 4-68 to 4-71) displays by alternative the effects road densities have on wildlife and wildlife habitat. This discussion has been updated in Chapter 4 of the FEIS.

11-9. The methods for creating snags (including the method for choosing snag size) was modified between DEIS and FEIS (see FEIS Chapter 2 Mitigation Measures). Snags may be created using a variety of methods in designated aspen stands, springs, and Replacement Old Growth areas.

11-10. Appendix D of the BE/BA (included in the DEIS Appendix C) describes lynx habitat. Lynx are considered extirpated from the state of Oregon. The BE/BA (Appendix C of the FEIS) thoroughly describes the status and distribution of lynx in Oregon and the rationale for the determination of "NO EFFECT" from the proposed projects.

11-11. Wolverine is the primary PETS species in the project area to which LOS management would apply. LOS management affects several Management Indicator Species (MIS) as well as goshawk (not an MIS, but a species of concern). Effects on these species can be found in Chapter 4 of the FEIS.

11-12. Thank you for your comment. It has been incorporated into the EIS and is now part of the administrative record for this project.

11-13. Significant effects were likely therefore an EIS was warranted. A combination of factors necessitated completion of an EIS. These factors included:

- Size of the area involved (65,000 acres in 7 subwatersheds);
- Acreage (approximately 45,000 acres) under consideration for vegetation management;
- Presence of a known bald eagle nest area;
- Fisheries and water quality issues associated with roads, which had the potential to become a serious issue with the public; and
- At the initiation of this project, there had not been a watershed analysis (WA) completed for the watershed (a WA was completed in November 2000).

11-14. In the DEIS, three alternatives were developed that utilize timber harvest for resource management, including the preferred alternative. The No Action alternative is required by law (40 CFR Section 1502.14). The two "action" alternatives that did not propose commercial timber harvest were part of a reasonable range of alternatives addressing the Purpose and Need and issues brought up during scoping. Alternative Three was developed in response to an agreement made during the appeal resolution for the Crater Vegetation and Watershed Management Project EA.

With all the action alternatives, treatments are planned that would reduce stocking from below and move tree species composition toward early seral species (DEIS 4-29). Likewise, all action alternatives address the Purpose and Need for Action described on page 1-10 of the DEIS. The Purpose and Need for Action statement in the FEIS (page 1-10) has been updated.

11-15. The public notices drew attention to the size of the DEIS not as a measure of success, but to inform the public of the costs associated with printing and distributing a large document. This was meant as a way to encourage the public to view the DEIS on the Forest web site.

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April 20, 2001

Comments re: the Silvies Canyon Watershed Restoration Project DEIS

Based on our review of the Silvies Canyon Watershed Restoration Project Draft Environmental Impact Statement and its Summary, we propose adoption of Alternative 10, Minimum Restoration Without Harvest, modified to include Alternative 3's Access and Travel Management Plan instead of Alternative 10's Access and Travel Management provisions and definite prohibition against cutting any 21" or greater dbh tree except to meet OSHA requirements (closing the loopholes of cutting larger trees in aspen areas and "dying" larger trees "excess" to wildlife and fishery needs. Instead we favor no commercial logging to meet the purpose and need of restoration (reducing road-related impacts, improving riparian conditions, and improving the health, vigor and resiliency of vegetation in order to promote long term forest sustainability--EIS, p. 1-10.) This means we are advocating only precommercial diameter thinning of conifers from aspen areas (after all, old growth diameter trees are usually at least 150-200 years old and thus represent pre-fire suppression growth) and no logging of "dying" trees over precommercial diameters.

Commercial logging is not necessary to achieve the restoration project's purpose and need objectives; in fact commercial scale and diameter logging is acknowledged to have caused many of the impacts to wildlife and natural resources this project is seeking to heal. Commercial logging is also well known to cause and exacerbate many of the problems evident in the project area in general (eg. sedimentation of streams, removal of stream shading, compaction of soils, depletion of beneficial soil mycorrhizae, removal of needed large structure and old growth habitat for old growth-dependent species, removal of thermal and hiding cover for big game and other species, removal of biomass needed for nutrient recycling, increased homogenization of the landscape with consequent reduction of biodiversity and incremental, cumulative extirpation and extinction of interior and large, intact forest-dependent species, etc.) Commercial scale and diameter logging is especially inappropriate in areas needing to recover from prior logging impacts (already over-logged areas) and in last intact, relatively pristine areas preserving natural state baseline conditions, such as the Myrtle-Silvies Roadless Area. As for the potential occurrence of large-scale wildfire (which can never be completely prevented and which may be caused or increased in severity by commercial logging according to recent credible scientific studies and statements), the EIS admits that alternatives 3 and 10 (with no commercial logging) would treat vegetative conditions in the watershed that have left the watershed vulnerable to large-scale wildfires: "Alternatives 3 and 10 would accomplish this without the ground disturbing activities associated with commercial harvest, related road reconstruction and temporary road construction, and road traffic which are part of Alternatives 2, 4 and 5. Commercial harvest activities, related road reconstruction and temporary road construction, and road traffic all are potential sources of fine sediment that may adversely affect aquatic habitat. The use of BMPs and RHCA buffers would lessen the potential effects but would not totally eliminate them." (EA, p. 4-16) The Forest Service's "Preferred Alternative" of Alternative 4 (the greatest amount of commercial logging) with the road closure plan of Alternative 10 (which offers less restoration of road impacts than any of the action alternatives except Alternative 5) strangely seeks maximum logging impacts combined with one of the least restorative access and travel management plans for a "Restoration" project intended to reduce road-related impacts,

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improve riparian conditions and improve the health, vigor and resiliency of vegetation to promote long term forest sustainability. Our proposed combination of Alternative 10 with the access and travel plan of alt. 3 and an overall dbh limit to precommercial size thinning better meets these restoration objectives by protecting existing native species, allowing over-logged lands to naturally recover, allowing for needed road closures and decommissioning, allowing for needed precommercial thinning for gradual re-instatement of a natural fire regime, and allowing for prescribed burning on a conservative level to reduce fuel-loading and allow for re-instatement of natural fire and preserving existing larger tree and down or snag structure, needed canopy closure, more cover (than with commercial logging) and protection of the natural character of the Myrtle-Silvies Roadless Area while protecting it better against stand-replacement scale fire with prescribed burn fuel breaks around it. (See below for more site-specific concerns for fine-tuning burning plans, habitat provisions for Management Indicator species, protection of riparian areas, etc.) We have not been able to field-check the project area yet and though we have received some preliminary sale maps and you included some small scale maps in the DEIS, we would appreciate your sending us your sale unit maps (larger, with sale unit #s, topographic lines, smaller road access #s identified, prescription for each unit identified) for your "preferred" alt. 4 (or whichever one you decide to adopt) and alt. 10 as soon as possible so we can ground-truth conditions. 12-7

Alternative 4 would decrease cover below Forest Plan standards in summer range and in about half of the subwatersheds in winter range; Alternative 10 would avoid this violation of Forest Plan standards. 12-8

In regard to your arguments for commercial logging (though small diameter thinning and prescribed burning could meet your concerns): The EIS admits there is no mandate to move vegetation towards historical conditions in either law or policy but that you are mandated by law to manage vegetation on a sustainable basis--more over-logging on a commercial level (in an already over-logged forest), including logging of the next largest size class of trees (15-21" is the next largest to the largely logged-out old growth of 21" dbh and greater) is <u>not</u> sustainable as the Malheur National Forest (like other National Forests in the region) is already greatly over-logged with consequent damage to natural resources, biodiversity and ecological integrity. There are admissions throughout the EIS that large structure was selectively removed, leading to current problems and discrepancies from (theoretical) Historical Range of Variability (HRV). At some point (and the time is long past due), you need to stop allowing commercial logging (commercial re: profit motive imperatives driving damaging results, amount of timber taken and elimination of larger size classes of trees) so as to allow viral ecological functions to recover, sensitive and listed species to regain numbers and viability and more trees to reach maturity and old growth status so that there will be a real sustainable and natural forest again. 12-9

The EIS fails to prove that defoliating insects and diseases are higher than endemic levels or are causing or accelerating "excessive" mortality. The EIS also doesn't recognize and discuss the ecological niche of these native insects and diseases and how they are normal and integral parts of a functioning ecosystem. National Forests were originally set aside not to be tree farms for maximum timber yields but to protect native, natural forests (the public's common heritage) from further corporate exploitation (the timber corporations had already snatched up the most productive forest lands for private profit.) So maximum tree growth should not be the primary concern, nor revenues from logging, and natural processes should be allowed to take place in most cases. Alot of your "historical condition" claims are unsubstantiated or not credible. How do you know that current conditions 12-10 12-11

"have developed to a degree never before experienced in the natural system of plant succession in the Blue Mountains..."?(EIS,p. 3-27, our emphasis) What is your scientific evidence that "(m)any stands are now highly susceptible to some of these pests and are contributing to widespread mortality or constitute a continuing threat to widespread mortality"? (EIS,P. 3-27) The Forest Service's use of words with deragatory and frightening connotation such as"pest" and "threat" and undefined terms such as "highly" and "widespread" seems purposeful and to serve the timber industry's agenda rather than more objectively describing ecological conditions. What is your scientific citation(s) to substantiate your claim that Western Pine Beetle "historically were known for attacking and killing old, slow-growing ponderosa pine that were overstocked and susceptible to beetles due to drou drought and damage by fire"? (EIS, p. 3-28)

Anecdotal evidence of pre-settlement conditions is insufficient to determine HRV.(re: Figures 3-2 and 3-3, p. 3-23 EIS) Pioneer writings (and "early recordings") were likely to emphasize what was different from the eastern part of the country (i.e. open forest stands) rather than what was similar (denser stands) and only discuss areas they'd passed through (pioneers logically sought out the easist, low land routes whenever possible) and were not systematic, consistent or reliable field surveys. Current observations of the lack of large trees and large stumps in an area (to justify low old growth tree per acre estimations for HRV) may also be unreliable, especially in mid- to high elevations with more moisture, where large stumps and down wood may rot and disappear more quickly. For instance, the Tupper Butte Roadless Area on the Umatilla National Forest has little large structure and no interior roads but was apparently horse-logged to a mill which no longer exists and the stumps have since disintegrated.) Historically, according to your own estimates, multistratum old forest was far more common than single stratum--both are now greatly depleted, so you shouldn't now be trying to convert last multi-stratum with large structure into single stratum with large. (See Figures 3-4, 3-5, 3-6, 3-7, p. 3 24.) Figure 3-8 is based on what year, what data sources for historic conditions? (p. 3-25) What is the scientific basis for your belief that there were only 2-3 greater than 21" trees (dbh) per acre in aspen areas historically? In general, we find your HRV estimates quite speculative and leaning in the direction that would accommodate a bias toward cutting more and bigger trees (using HRV as justification for more over-logging.)

In regard to prescribed burning, fire records on the District only date back to 1959 (EIS p. 3-29) and the first documented Euro-American entry into Central Oregon was in 1826-7 for fur trapping and trading (not timber or land surveying) (EIS p.3-57), so how did Maruoka and Agee (1994), Heyerdahl and Agee (1996) and Agee (1993) determine the historic (pre-European settlement and fire suppression) fire intervals--specifically for the Silvies Canyon watershed? Please respond to our HRV questions. We would like to request several restrictions for prescribed burning to lessen environmental impacts from the burning and to help prevent an accidental uncontrolled fire being started with the burning program: Please prohib aerial ignition for prescribed burns as aerial ignition coulf start a crown fire and is less discriminating with regard to avoiding sensitive areas that should not be burned (eg. Goshawk nests, areas with fuel loadings too high to control, etc.) We would appreciate your taking care to avoid killing larger trees with prescribed burning. Don't allow prescribed fire to back down into RHCAs, as there are too many risks to already degraded aquatic habitat (Table 4-2, pp.4-18 &19, EIS) and already streams and the Silvies River are water quality-listed, which means that further impacts must be avoided. No burning should be allowed near Cottonwood stands due to their vulnerability to fire. Prescribed burning should only take place in the fall (under appropriate

conditions) to protect young mammals in burrows, bird fledglings in nests, nesting reproductive success, sensitive flowering plants, fine pine roots and soil moisture reserves for summer. Prescribed burning should also not take place in Dedicated Old Growth areas, Replacement Old Growth areas, (DOGs, ROGs) and Pileated woodpecker feeding areas because down wood is needed in abundance by species these areas are supposed to protect-- Pileated woodpecker, other woodpeckers, Pine Martens, etc. 12-22 12-23

With regard to the access and travel management plan, we have the following concerns and recomendations: We appreciate the value of road closures and decommissioning of unnecessary roads to benefit water quality and wildlife. However, many forms of closure are inadequate to stop off-road vehicle trespass and/or are reversed, with roads re-opened for the next resource exploitation project. So we request that you permanently close, and decommission with slope recontouring wherever ecologically beneficial, the maximum number of little used, unnecessary and damaging roads possible. There should be no new or temporary road construction and no re-opening/reconstruction of roads already closed to protect wildlife or water quality or simply because they are unnecessary. The purpose is to reduce road impacts overall, so reconstruction should only be done on high use roads which are to be kept open but have something (eg. a culvert or bridge) that needs reconstruction to prevent or stop ecological impacts. We request that all the roads known to be causing sedimentation and other riparian impacts, including all those listed on EIS p. 3-12 and in Table 3-3 p.3-13 be closed permanently, and wherever possible, decommissioned properly and re-contoured. 12-25

Our remaining riparian concerns include the following: There should be no burning or thinning along creeks and the Silvies River, as most streams and the Silvies River are water quality-listed, so we need to protect bird nesting habitat, stream temperatures and existing riparian shrubs and trees to prevent further exceedances of water quality standards and protect aquatic habitat. Limitations on riparian thinning and burning to ensure stream shading and buffers to sedimentation would better protect the Columbia Spotted frog, listed fish species (eg. Redband trout, Malheur mottled sculpin and Blue Mountain Cryptochian caddisfly. 12-26

We request complete avoidance of sensitive plant sites and cultural resource sites with thinning and burning and careful decommissioning and berm closures of roads to avoid sensitive plant individuals and populations. 12-27

The Forest Service needs to do population surveys for PETS, MIS, Neotropical migratory songbirds and other rare species to determine population status, population trends and viability thresholds to form a sound basis for their protection and prevention of their uplisting. 12-28
Pileated woodpecker feeding areas as well as Replacement Old Growth areas should be identified and designated for Dedicated Old Growth areas <u>prior</u> to any management activities such as thinning and burning. 120 acres (DOG minimum size by 1992 definitions) is now known not to be large enough to support a home range for a pair of Pileated woodpeckers or Pine (American) Martens. You need to protect larger areas to expand existing DOGs to sufficient size by <u>letting them grow</u> and not cutting more than precommercial diameter thinning. These areas should be designated and protected from commercial logging. 12-29 12-30
Ecological boundaries of existing old growth habitat should be followed and not have chunks of good habitat cut off to follow convenient road boundaries since there is insufficient acreage of true old growth habitat. Where following a road or other geographically identifiable boundary would <u>extend</u> the size of the DOG or ROG, that would be acceptable. There should be no commercial thinning of ROGs as that would remove needed large structure and canopy closure and no commercial thinning in Goshawk post-fledgling areas, as Goshawk 12-31

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are adapted to denser, more closed canopy conditions and depend on interior forest prey. They prefer canopy closure of 60% or more. 12-31

Livestock grazing is continuously mentioned throughout the EIS as a major source of current conditions and ongoing impacts for which the project was designed to correct, yet livestock grazing control or elimination from the project area is not addressed in the DIS. Livestock grazing is as much within the scope of the project as impacts from roads and impacts from fire suppression are, and controls or cancellation of AUMs should be part of the analysis and included in project alternatives. 12-32
Livestock grazing should be completely eliminated in the Myrtle-Silvies Roadless Area as incompatible with the natural character of a roadless area, with recreation there, with preservation of water quality and native riparian shrubs and as in conflict with wild ungulates for forage. The feeling of solitude, semi-primitive recreation and aesthetics are all degraded by the presence of cattle, including their disturbance of vegetation, their destruction of riparian areas, their sounds, their smell, etc. 12-33

The project area obviously has high recreational value and consistent, varied recreational use and should be maintained in a natural appearance with no commercial scale logging and a mosaic of fuel reduction. There is a need to move the dispersed campsites that are located in RHCAs, using natural barriers and signs if necessary. "Considerable" use for big game hunting in the fall suggests the need to preserve marginal and suitable game cover to Forest Plan standards or above. Alt. 3 better meets Forest Plan standards for road density than Alt. 10 for less disturbance to wildlife (thus our Alt. 10 combination with Alt. 3's road closure plan.) 12-34, 12-35, 12-36, 12-37

What exactly is "intermediate" treatment/thinning? We would like to request the following studies: Maruoka and Agee, 1994 (How could they know what the fire interval for this area was from 1752-1890??) Studies that show more logging (removal) of trees somehow improves growth productivity rather than degrades it (with heavy equipment soil compaction, destruction of mycorrhizal fungi, etc., all of which would tend to decrease the health, resiliency and growth of remaining trees), studies showing positive effects to eagle occupancy of precommercial thinning and fuels reduction in winter roost areas (we think it's better to leave the eagles undisturbed.) And please send us a copy of Hayes et al., 1997. Thank you for your cooperation and consideration of our comments. We anticipate your response and would like to receive copies of others' comments on this EIS. 12-38, 12-39

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12-1. Thank you for your comment. Your comment has been incorporated into the EIS and is now part of the administrative record for this project.

12-2. In the FEIS Chapter 2, Alternatives Three and Six considered and analyzed the effects of restoration alternatives without the use of commercial harvest. The Preferred Alternative, Proposed Action, Alternatives Four and Five, and Alternative Seven-a considered and analyzed the effects of restoration activities with commercial harvest. Chapters 3 and 4 of the FEIS display the effects by alternative.

12-3. See response 12-2.

12-4. See response 7-7 and response 12-2.

12-5. The potential for a large fire cannot be eliminated. The goal of reducing ladder and surface fuel is to lessen the effects of a fire when it does happen. Logging can increase fire intensity if the slash is not treated. The risk of large-scale fire occurrence would be lessened with Alternatives Three and Six, but would still be much higher than the other action alternatives due to higher fuel loads and greater continuity of fuels. The risk of a prescribed fire getting out of control and doing resource damage is much greater with Alternatives Three and Six than with the other action alternatives.

12-6. No harvest or harvest related activities would occur in RHCAs. This includes the use of landings and skidding logs across streams. Therefore potential sediment from these sources would not impact streams. Aspen restoration and road treatments activities within the RHCAs are designed to minimize effects to a point where they would not degrade the aquatic resources, as described in the BMPs and design features. A long-term effect of these activities would be enhancement of the RHCA by eliminating or reducing chronic sources of stream sediment and providing more stream shade. See FEIS chapter 4.

12-7. Regulations specify an agency to "identify the agency's preferred alternative or alternatives, if one or more exists, in a draft statement and identify such alternative in the final statement" (40 CFR 1502.14(e)) (DEIS page 2-30).

The Preferred Alternative responds to the purpose and need for action and the range of issues (DEIS pg. 2-30). Effective fire suppression for the past 100 years has contributed to a dramatic increase in fuel loading, the arrangement of fuels (fuel ladders), and changes in vegetation composition, structure and density. Current composition and densities of forested areas are unhealthy and outside the historic range of variability (HRV). The Preferred Alternative would move the most forested stands in the project area toward historical ecosystem conditions (DEIS pg 2-15). Road densities in most subwatersheds of the Silvies Canyon Watershed are exceeding Forest Plan standards in both winter and summer range for elk. The Burns Paiute tribe has expressed concern regarding roaded access to resources within the area, especially for elders who may be mobility-impaired. Public roaded access would be maintained while closing and decommissioning:

- roads identified as contributing sediment to the area's streams, and
- short spur roads needed to meet Forest Plan standards.

As per 40 CFR 1502.14(a) an agency shall rigorously explore and objectively evaluate all reasonable alternatives. Chapter 4 of the FEIS displays the effects by alternative.

12-8. Forest Plan standards for cover for either summer range or winter range are at the watershed level, not subwatershed. The Preferred Alternative, Proposed Action, Alternatives Four, Five and Seven-a would take cover below standards, which would require a Forest Plan amendment.

The effects of reducing big game cover are discussed in DEIS pages 4-62 through 4-67 (also, see response 2-3) and the FEIS chapter 4.

The Forest Plan was designed with amendments in mind. The Forest Plan (V-1 and V-9) states "National Forest planning is a dynamic process, and the products, Forest Plans, are similarly dynamic. This Forest Plan can and should be modified if conditions warrant. As management goals are applied on the ground or as new information is learned about resources, the Plan's goals and objectives, or activities the goals generate, may no

longer be appropriate. In such instances, activities may be tailored to fit the resource, or planning objectives as stated in the Plan may be amended."

12-9. See response to comment 11-3 and 12-2.

12-10. Defoliators and secondary disturbers were discussed in the DEIS on page 3-27. From 1991 through 1995 an outbreak of Douglas-fir tussock moth occurred in the "Gold Hill area" which includes a large part of Silvies Canyon. The effects of this outbreak and subsequent secondary disturbers are documented in several site visit reports (*Douglas-fir Tussock Moth on the Burns Ranger District*, September 11, 1992; *Douglas-fir Tussock Moth Populations on the Burns Ranger District, Malheur National Forest in 1993*, September 21, 1993;*Technical Assistance Insect and Disease Management Evaluation Curry Springs Planning Area, Gold Hill, Burns RD, Malheur NF*, February 18, 1994; *Biological Evaluation of Douglas-fir Tussock Moth on the Burns Ranger District*, February 2, 1995; *Technical Assistance: Myrtle-Silvies-Primitive Area*, Feb 16, 1999) from the Zone Entomologist and Pathologist. The publication *Recurrent Outbreak of the Douglas-Fir Tussock Moth in the Malheur National Forest: A Case History by RR Mason, DW Scott, MD Loewen, and HG Paul*, December 1998, was also published on this outbreak. Also, refer to the FEIS chapters 3 and 4.

12-11. Ecology of native insects and diseases was discussed in detail in the numerous site visit reports. This was not discussed in detail in the DEIS because it was not raised as an issue. Refer to the FEIS chapters 3 and 4.

12-12. The need for action is based on the current conditions of resources within the watershed. The Purpose and Need for Action statement in the FEIS (pg 1-10) has been updated.

12-13. You are correct that we should not say, "Current conditions have developed to a degree never before experienced." This is too broad a statement because we do not know the conditions that have existed here throughout time. This will be changed in the FEIS. There has been substantial research done throughout the Blue Mountains. The one consistent general conclusion is that current forest conditions do not match historical conditions.

12-14. For at least the last 10 years this district has had an annual aerial survey that mapped tree mortality. From 1991-1995 there was an outbreak of Douglas-fir tussock moth in this area and we are continuing to see mortality based upon secondary pests. There is ongoing research on the Emigrant Creek (Burns) RD into black stain root rot. We have at least 13 reviews of this area or the adjacent areas by either a pathologist(s) and/or entomologist(s) over the last 10 years. Finally we are seeing mortality or bark beetle attacks that have been occurring in the area over the last three years to Douglas-fir and increased attacks last year by mountain pine beetle. More information on local research can be found in Mason et al, 1998, and Thies et al, 1999.

12-15. Western Forest Insects, by R.L. Furniss and V.M Carolin, USDA Forest Service, Misc Publ 1339, 1977. In 1936, F.P. Keen developed a rating system for susceptibility of ponderosa pine to bark beetle attack (Relative Susceptibility of Ponderosa Pines to Bark Beetle Attack. J. For. 34(10):919-927). This grading system was updated in 1943 (Relative Susceptibility of Ponderosa Pines to Bark Beetle Attack. J. For. 41(4):249-253). This grading system was and is still used throughout the range of ponderosa pine.

12-16. Figure 3.2 shows historical conditions while Figure 3.3 shows current conditions.

HRV analysis required by *Regional Foresters Amendment 1 & 2* states that HRV is to be an "estimated percentage." It also states, "For this exercise, the HRV should be based on conditions in the pre-settlement era; however, early 1900 photography may be acceptable."

In the DEIS page 3-23 the method used to determine acres was based upon the ICBEMP 1936 map and the corresponding data base from which the map was produced, as well as our assumptions that "Pine Mix Small," "Ponderosa Pine Seedling-Sapling-Pole," and "Ponderosa Pine Small" were historically non-forested. The same methodology was used in the FEIS.

12-17. Figures 3-4, 3-5, 3-6 and 3-7 (DEIS) do not depict effects of any proposed treatment. Figure 3-4 and 3-7 depict our estimate of historic conditions from 1850 to 1900 (DEIS 3-23). Figures 3-5 and 3-6 depict current conditions.

Effects on stand structural stages were evaluated in Chapter 4 on pages 4-29 and 4-30. Briefly this states that prescribed treatments would not change the present structure of Old Forest Multi-Stratum (OFMS) to Old Forest Single Stratum (OFSS). Treatment would only change the structure of stands classified as Stem Exclusion Closed Canopy to Stem Exclusion Open Canopy. The treatments prescribed would reduce stand stocking and move species composition towards historical composition (DEIS 4-29). In the long term treatments would move the stands in earlier stages toward older structure faster than if not treated (DEIS 4-30). Where OFMS is to be treated, it is to maintain the old growth characteristics (DEIS 4-30). See also the FEIS Chapter 4.

Data sources for these tables are:
1) Silvies Canyon Vegetation Map generated from Historic data in ICBEMP from 1936 and corresponding data queries;
2) Aerial photos from 1949;
3) On the ground review of this area;
4) Herrick-Hines Story, Pacific Northwest Quarterly 84, no. 1, pp. 19-29;
5) Report of the Proposed Blue Mountains Forest Reserve by H.D. Langille 1906;
6) Report on blue Mountains (West) Reserve Oregon by M.L. Erickson, assistant Forest Inspector, December 1906; 7) USDA Bulletin No 418, Western Yellow Pine in Oregon by Thornton T. Munger, February 1917.

12-18. This will be amended in the FEIS. In some stands there were historically, more than two or three large conifer trees per acre. In other stands there were fewer large trees. It was the consensus of the ID team that historically there was an average of around two or three large conifers per acre. In discussing restoring these aspen stands the IDT felt that we needed to reduce these large conifers to approximately two or three per acre. By retaining this large tree density, we would retain sources for large snags and woody debris. Also birds and animals that use conifers would continue to have these available. By reducing these conifers to two or three per acre, we would have the best chance of regenerating aspen without destroying the existing aspen. Options to regenerate aspen were analyzed in a paper titled “Aspen” written by Mark Loewen and modified by Roy Schwenke on 11/1/2000. This was not cited in the Literature section of the DEIS and will be added to the FEIS.

12-19. Thank you for your comment. Your comment has been incorporated into the EIS and is now part of the administrative record for this project.

12-20. The authors’ methods are described in their articles. Basically they studied and cross-dated fire scars using master tree-ring width chronologies.

Heyerdahl examined fire scars from stumps, logs, snags, and live trees 20 miles east-northeast of the Silvies Canyon in 1995 (Dugout Creek). A total of 215 samples were studied. They were taken from 82 dry site forest plots. By cross-dating the ages and counting the interval between fire scars she determined that the historic fire interval range for the dry site forest there ranges from 5 to 20 years.

Among the many samples Maruoka and Agee studied were samples of 50 trees taken from Myrtle Creek, which is part of this analysis area. For the Myrtle Creek area the fire interval range was 5 to 23 years with a mean of 15.3 years.

12-21. Aerial ignition using a sphere dispenser is a time-delayed mechanism where sphere ignition is delayed for 20-30 seconds. This gives the sphere’s adequate time to reach the forest floor before ignition.

Crown fires can occur from any type of ignition. The main drivers of a crown fire are wind, fuel continuity and loading, and ladder fuels. Occasional torching of individual or small groups of trees can occur with prescribed burning regardless of the type of ignition and is acceptable. Prescribed burning would not be initiated when conditions are conducive to crown fires.

Sensitive areas would be identified and avoided whenever possible. Design criteria have been established to protect sensitive areas (goshawks, eagles, PETS, aspen, and cottonwood) and are described in the FEIS Chapter 2.

12-22. We do not plan on nor want large trees to be killed. It is not intended to allow fire to back into an entire RHCA. The intent is to create a mosaic effect.

Cottonwood is to be protected in all action alternatives (DEIS pages 4-36 and 4-38).

12-23. A combination of spring and fall burning would occur. Spring burning would be initiated in timbered areas with fuel bed depths greater than 1". This is because moisture of large fuels is generally higher in the spring. The higher fuel moisture results in better control of fire intensity in areas with heavy fuels. Spring burning is a natural occurrence (Heyerdahl and Agee (1996). Wildland fires caused by lightning have occurred in Harney County in May (Bulger Fire 2001, 97 acres). The possibility of a prescribed fire escaping occurs both in the spring (late) and fall (early). The amount of spring and fall burning would depend upon weather conditions and the window of opportunities that exist each year. Design criteria and mitigation measures in Chapter 2 of the FEIS also describes areas where spring or fall burning would occur due to other concerns. The effects of proposed burning are described in Chapter 4 of the FEIS.

12-24. According to the Forest Plan we are to "Manage residue to maintain or enhance old-growth habitat" and "Protect old-growth habitat from catastrophic wildfire," (Chapter IV-107). These Dedicated Old Growth areas developed in a disturbance regime, which primarily involved periodic fire. For approximately 100 years fires have been suppressed. Burning in old growth would put fire back into the ecosystem to restore the natural disturbance while protecting down wood and snags (see Chapters 2 of the FEIS). The Forest Plan also states we are to "Utilize interdisciplinary teams to develop prescriptions and long-term management strategies for each replacement area," (Chapter IV-107). It is the intent of the Forest Plan to manage Replacement Old Growth so it can be developed into old growth. The effects of prescribed burning on Dedicated Old Growth, Replacement Old Growth, pileated woodpeckers, and snags and down logs are described in Chapter 4 of the FEIS.

12-25. Roads causing sediment have been identified. Most closure devices rely upon individuals honoring them. Not all forest users are conscientious, but many are. Each alternative treats roads differently; refer to the FEIS Appendix A.

No new construction of permanent roads is proposed for any activities within the Silvies Canyon project area. Temporary roads are short term and built specifically for project use. Temporary roads would be water barred and closed, and scarified and seeded with weed free seed as needed to meet NFMA requirements at the end of the project. The intent is to close temporary roads to motorized travel after harvest activities are completed (FEIS Chapter 2). They are not added to the forest road inventory, but are tracked by temporary identification numbers.

In the DEIS chapter 2, the term reconstruction was used to describe hazard tree removal, brushing for site distance, minor reconstruction of existing drainage structures etc. This definition has been changed in the FEIS.

In the FEIS chapter 2, road maintenance activities would be dependent upon severity of road damage, erosion and sediment production, and designed maintenance level. Most commonly, maintenance would consist of hazard tree removal and brushing for sight distance, although some ground-disturbing activity would be necessary. Maintenance of existing drainage structures may be necessary to assure the integrity of their design function. Stricter measures (placement of rock, site specific drainage structures, and sediment fences) would be taken on specific roads with chronic sediment or erosion concerns to minimize water concentrations and related effects on surroundings.

Road reconstruction activities would apply when the road would require realignment (FEIS chapter 2).

12-26. Activities proposed within RHCAs include:

- Aspen and Cottonwood Restoration
- Riparian Habitat (spring) Restoration
- Road Closures and Decommissioning
- Prescribed Burning

Burning is part of the natural process that creates disturbance and allows certain ecosystems to be maintained, like aspen stands. Due to the lack of natural low intensity fires, thinning is now necessary to reduce the chance of high intensity fires and allow the use of prescribed burning to obtain natural conditions. The mosaic nature of the prescribed burns would protect the majority of bird nesting habitat. Prescribed burning would also occur outside the core time period of nesting birds. Prescribed burning in RHCAs would be of low intensity and in a mosaic pattern. Given the wet conditions often experienced during the spring, burning is not expected to creep into or back down into large portions of RHCAs and burning is not expected to be of high intensities. There are limitations on thinning and prescribed burning in sensitive areas to protect water quality and aquatic species. See also the FEIS chapters 2 and 4.

12-27. As stated in the BE/BA Appendix C. Activities around sensitive plant sites would be mitigated. Precautions would be taken during road closure to protect sensitive plant sites. All measures to protect cultural resources would be followed as described in FEIS Chapter 2.

12-28. There are no Forest Service established procedures for sampling wildlife populations, trends, or viability, but biologists and others do record species presence formally during wildlife surveys, and through informal wildlife sightings and other means. Where available, regional and state status and trend data, as well as other available data, is used to supplement local knowledge (for example see Neotropical Migratory Birds, FEIS Chapter 3). Determinations of effects are based on maintaining habitat or some level of habitat. The best available science, such as DecAID (Mellen et al. 2003) is used to assist in making determinations of effects.

Effects to PETS species are discussed in the BE/BA (Appendix C) and Chapter 4. Effects to MIS are analyzed and discussed in Chapter 4 of the FEIS. The neotropical migratory bird (NTMB) analysis was expanded in the FEIS and is discussed in Chapters 3 and 4 of the FEIS.

12-29. See also response to comment 12-24. The thinning and burning in ROG and feeding areas are for maintenance and to reduce overstocking. These fuel reduction activities would reduce the risk of a stand replacement fire, which would be detrimental to old growth species. ROG and effects are discussed in the FEIS in Chapter 4 and in the DEIS on pages 2-27 to 29, 4-85, and 4-86. Old growth characteristics such as snags and downed logs would be retained at current levels; snags and down logs may be created in ROGs to provide habitat for snag-dependent species at historical levels (Chapter 2 and Chapter 4, FEIS).

DOGs in the Silvies Canton project area were designated for pileated woodpeckers, not for marten. In the existing conditions in Chapter 3 of the FEIS, we acknowledge that pileated woodpeckers may need home ranges larger than some of the DOGs, but project area DOGS are also known to "meet some of the pileated woodpecker management recommendations developed by Bull and Holthausen (1992) particularly in terms of vegetation types, size of core old growth, and canopy closures. As described in Chapter 4 of the FEIS, adjusted DOGs would be between 289 to 715 acres; all DOGs would either remain larger than Bull and Holthausen's (1992) recommendations or be moved closer to those recommendations.

12-30. Please refer to Preliminary Alternative 9 (DEIS page 2-3). The decision maker decided not to pursue this alternative any further. See also FEIS Chapter 2, Preliminary Alternative D. As discussed in Chapter 4 of the FEIS ", The goal of adjusting DOG lines was to better define DOG boundaries, not to increase or decrease the size of DOGs. However, adjusting DOG lines would slightly increase the size of DOG 02039, moving it toward the Forest Plan standard, and would somewhat compensate for DOG acres lost to reallocating acres of DOG to ROG" and "…the final effect of adjusting DOG boundaries is a 38-acre decrease in DOG but a slight net increase (37 acres) in high quality old-growth habitat within DOGs with a negligible effect on pileated woodpecker and other old-growth associated species."

12-31. The Forest Plan and its accompanying EIS (1990) states "*In replacement old growth units, allow scheduled timber harvest which maintain or enhance the capability of timber stands to provide suitable old growth habitat in the future* (Forest Plan, IV-106 #13). ROGs are to be identified and managed to replace the Designated Old Growth areas.

Goshawks are a species of interest. Goshawk habitat requirements and effects of proposed activities on goshawk and their habitat are described in Chapter 4 of the FEIS.

12-32. Refer to response to comment 3-5.

12-33. Grazing is a permitted activity within Management Area 10, Semi-Primitive Non-Motorized Recreation Area (Forest Plan IV-97 #6). Also refer to response to comment 3-5.

12-34. Commercial harvest is permitted on about 75 percent of the project area as stated in the Forest Plan description of management areas and FEIS chapter 1. The DEIS (pg 4-92) states: Under all alternatives the project area would continue to provide a wide range of recreation opportunities, activities, settings, and experiences; however, the roaded settings clearly dominate. All action alternatives generally result in no change, or a small decrease in roaded settings and a small increase in semi-primitive non-motorized settings. Also refer to the recreation section in the FEIS chapter 4.

12-35. Thank you for your comment; the effects to dispersed campsites are displayed in Chapter 4 of the FEIS.

12-36. The effect of cover removal on big game is described in Chapter 4 of the FEIS. The Oregon Department of Fish and Wildlife (ODFW) was consulted and concurred on expected effects of proposed actions on elk (consultation notes are in the Wildlife Project Record). While hunting was considered an action that contributes cumulative effects to big game populations (see Chapter 4 of the FEIS), hunter numbers as an effect on big game animals is outside the scope of this analysis; legal responsibility for hunter numbers rests with the State of Oregon.

12-37. Roaded access was identified during scoping to be a significant issue with the public. The Burns Paiute tribe also expressed concern regarding roaded access to resources within the area, especially for elders who may be mobility-impaired.

All action alternatives move road densities toward Forest Plan standards (FEIS chapter 4). Chapter 4 of the FEIS discusses the effects of different road densities on wildlife.

12-38. The definitions will be added to the FEIS glossary and are as follows:

- Commercial thinning – a type of commercial harvesting which removes commercial size (7-21 inches dbh) trees from a stand for the purpose of increasing the spacing between the residual trees. Trees of undesirable species, form or condition would be removed by cutting from below.
- Intermediate thinning - a type of commercial harvesting which removes commercial size (7-21 inches dbh) trees from a stand for the purpose of increasing the spacing between the residual trees and moving the composition of the residual tress towards historical species composition. Trees with undesirable form or condition would be removed by cutting from below.

12-39. Copies of public comments are provided in the FEIS, Appendix D. Copies of the two specific publications will be sent. Non-specific requests cannot be filled.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply To
Attn Of: ECO-088

MAY 11 2001

Ref: 99-090-AFS

Malheur National Forest
Emigrant Creek Ranger District
Attn: Lori Bailey
HC-74 Box 12870
Hines, OR 97738

Dear Ms. Bailey:

We have reviewed the Draft Environmental Impact Statement (DEIS) for the proposed **Silvies Canyon Watershed Restoration Project** pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Section 309, independent of NEPA, directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. The Silvies Canyon watershed is located within Malheur National Forest (MNF) of the Burns and Bear Valley District.

Specifically, the DEIS proposes an action plan to implement ecosystem restoration on more than 80% of the watershed area lying within the Burns and Bear Valley District. The Forest Service proposes to implement a variety of management activities, including silvicultural prescriptions, prescribed burning, implement wildlife enhancement projects, road decommissioning, and new road construction and reconstruction.

EPA's main concerns are that the Forest Service needs to bring the project area's road densities more on line with Forest Plan management objectives, manage access issues posed by all terrain vehicles (ATVs), manage the quality of aquatic and upland resources in light of on-going livestock grazing activities, consider a Clean Water Act Section 303(d) Protocol for listed waters, and design a smoke management program for prescribe fires. Based on our review, we have assigned the Draft Supplement EIS a rating of EC-2 (Environmental Concerns - Insufficient Information). This rating and a summary of our comments will be published in the *Federal Register*. A summary of the rating system we used in our evaluation of this DSEIS is enclosed for your reference.

Enclosed please find our detailed comments, which elaborate further on these issues. We are interested in working with MNF in the resolution of these issues. I encourage you to contact Tom Connor at (206) 553-4423 at your earliest convenience to discuss our comments and how they might best be addressed.

Thank you for the opportunity to review this Draft EIS on the Mill Creek Timber Sales and Related Activities in Rogue River National Forest.

Sincerely,

Judith Leckrone Lee

Judith Leckrone Lee, Manager
Geographic Implementation Unit

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Enclosure

EPA COMMENTS ON THE SILVIES CANYON WATERSHED RESTORATION PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

Issue #1 – FOREST ROADS

1) How will the Malheur National Forest, in its watershed restoration proposals for the Silvies Canyon Watershed project area, match current Forest Plan standards for road densities? The FEIS (Final Environmental Impact Statement) needs to disclose and describe how proposed road closures or decommissions will meet existing Forest Plan standards for road densities within the Silvies Canyon Watershed project area. 13-1

Forest roads have a strong influence on a watershed (Kohm and Franklin, 1997). Surface erosion from logging roads is a significant source of deliverable sediments in watersheds (DEIS, page 4-13). Areas with high road density can be expected to have a relatively high mass wasting hazard and surface erosion hazard both now and into the future. A recognized study (Cederholm, 1981) in the northwest has determined that basin integrity is impaired when road density is above sustainable levels.

According to the DEIS, the project area has an average road density of 2.4 mi/m^2 in big game winter range and 3.9 mi/m^2 in summer range (page 1-10). These current densities are above Forest Plan standards for road densities in big game winter ranges of 2.2 mi/m^2 and 3.2 mi/m^2 in summer ranges respectively. At this time, high fine sediment loads are impacting portions of the Myrtle Creek system in the Malheur Nation Forest (MNF) as evident by the high levels of streambed embeddedness (DEIS, page 3-4). The EIS's enclosed Biological Evaluation/Assessment on Great Basin redband trout, identified as a species of concern, is sensitive to changes in habitat quality, especially degradation of stream substrate configurations that might impede water flow through dynamics in spawning areas. The DEIS identified 33 miles of forest roads are located within the sensitive and erodible Riparian Habitat Conservation Areas (page 4-4). These identified logging and access roads continue "to be chronic sediment sources and would continue to degrade the water quality and fish habitat within the watershed" (page 4-4).

While the DEIS does present information on levels of permanent closures and decommissioning activities for each alternative, this information is not translated in a more understandable format for the reviewer to see if or how each alternative strategy will restore the project area to Forest Plan standards. 13-2

2) After successful decommissioning activities, how will road closures and decommissioned roads remain at current standards throughout the life span of the closure? Furthermore, how will MNF manage and restrict breachs of road closures by off highway vehicle (OHV)? 13-3

As identified on page 1-10, a portion of forest of forest road number 3100035, which was previously closed, was breached. This unregulated and intentional breach allowed all

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terrain vehicles (ATVs) to cross the Silvies River and have unrestrained access into Myrtle-Silvies Roadless Area. As stated on page 3-6, unauthorized "off highway vehicle (OHV) use is becoming a concern" since this vehicle disturbance is inconsistent with MNF's Forest Plan. In addition, unregulated and unsanctioned motorized vehicle use on public lands is one of the "most intrusive activities" (DEIS, page 3-6) within MNF since it is incompatible with soil and aquatic resource management, including the project area.

Therefore, how will the Forest Service prevent both short and long-term access through permanent road closures by unauthorized motorized traffic, especially by 4-wheel drive vehicles (or ATVs), and prevent unrestrained access through streams and sensitive areas? 13-3

3) The DEIS reports that Oregon Department of Environmental Quality (DEQ) states that more data is needed before the streams in the project area are listed for sediment (page 1-21). It appears that DEQ is only waiting for more collaborative data to confirm §303(d) of the Clean Water Act (CWA) listing for streams in the project area, like Myrtle Creek. Due to on-going high sediment loads and elevated status of stream bed embeddedness, EPA recommends that any restoration projects should include a monitoring program to supply enough ambient sediment data to aid in resolving DEQ's determination. 13-4

Issue #2 – IMPACTS FROM CATTLE GRAZING

1) The FEIS needs to disclose more fully the environmental impacts, including direct, indirect, and cumulative impacts (40 CFR § 1508.7) from cattle grazing within the project area. 13-5

At a national level, domestic livestock presently graze approximately 91% on all federal lands in the 11 contiguous western states (Armour et al., 1991; and U.S. General Accounting Office, 1998). Within the MNF, cattle grazing has been an on-going, permitted activity as documented within the Forest Plan. At present, there are eight grazing allotments within the project area, grazing an average of 8,853 head months (DEIS, page 3-34).

Livestock grazing, as is unrestrained access by ATVs, is an environmentally intrusive activity (DEIS, page 3-6). The thin ribbon of stream and riparian habitats that threads through arid western areas composed but 0.5 - 1.0% of the landscape (Belsky et al., 1999). The DEIS acknowledges that the effects of livestock grazing are more concentrated along stream corridors (page 3-6) than on upland sites. Livestock will concentrate where is forage more readily available. One study found that 81% of the forage consumed by cattle was growing within the riparian zone (Roath and Krueger, 1982). The extensive disruption to riparian areas caused by cattle is more disproportionately damaging than their often small numbers would indicate. Domestic livestock grazing has damaged approximately 80% of stream and riparian ecosystems in the western United States (Belsky et al., 1999). In sum, livestock grazing is found to involved multiple negative ecological impacts, including water quality and seasonal quantity, stream channel 13-5

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morphology, hydrology, riparian soils, streambank vegetation, and aquatic wildlife (Belsky et al., 1999). 13-5

Currently, streams in the project area are in stressed conditions. Only 3 of 26 surveyed stream reaches are currently meet riparian management objectives for large woody debris as established by the Forest Plan (page S-23). Structural impacts to the riparian area and associated fluvial systems are evident within the project area in the reduction in pool sinuosity and quality of pool habitat (DEIS pages 3-10 and 3-11). 13-6

Resource damages from livestock grazing also extends well beyond the riparian areas. While the DEIS gives focused attention to commercial harvesting, precommercial thinning, and associated fuels treatment activities to reduce high fuels loading conditions, the effects of livestock grazing on upland forest ecosystem has received scant attention. Numerous studies, some dating back to the 1920s, expose the potential of livestock grazing on stand dynamics, tree species composition, and upland soils on forests of the interior West (Belsky and Blumenthal, 1997). The DEIS briefly states that "fire control, *grazing*, and timber harvesting within the last 100 years has changed the forest's species composition, density, and structure" (page 1-11). However, the DEIS does not address the environmental impacts from livestock grazing sufficiently. 13-7

If the two of the express purposes of the Silvies Canyon Watershed Restoration Project, namely, 13-8

> 1) Improve riparian conditions in reaches of streams that do not presently meet riparian management objectives; and
>
> 2) Improve the health, vigor, and resiliency of vegetation to insects, diseases, wildfire, and other disturbances, to more closely resemble historical conditions (or the historic range of variability) in order to promote long term forest sustainability;

are to be met, then the DEIS needs to evaluate the historical, current, and foreseeable future impacts of livestock grazing activities on riverine, riparian, and upland forest health conditions.

Also, in the DEIS, chapters 3 (Affected Environment) and 4 (Environmental Consequences) both stress the importance of managing noxious weeds. This silent invasion is a large threat to biodiversity and forage production, dwarfing "potential negative impacts posed by the use of chainsaw, doser, or herbivores" ((page 3-37). Here too, at the landscape and regional scale, livestock grazing may be the major factor causing and enhancing the invasion of noxious weeds (Belsky et al., 2000). 13-9

The DEIS stated that the effects of cattle grazing would be included in the cumulative effects analysis, Chapter 4. The disclosure in the DEIS of cumulative impacts on resources due to livestock grazing within the project area still remains unclear. Based on Council of Environmental Quality's (1987) directives, how will the MNF address direct, indirect, and cumulative environmental effects by livestock grazing in the 13-10

study area? In addition, while changes to the permitting process (numbers, type, distribution, timing, and duration of livestock grazed) are considered "outside the scope of this project" (DEIS, page 1-23), critical comprehensive planning strategies, as identified for this watershed project, should not be deferred until the time of grazing permit reissuance scheduled tentatively set for 2003 to 2005. 13-10

2) As a second related item, the term "head month", needs to be defined in the FEIS glossary and its abbreviation added to the abbreviation list to aid the reviewer in furthering understanding of grazing allotments within the project area. 13-11

Issue #3 – CLEAN WATER ACT SECTION 303(D) PROTOCOL

EPA would like to see the protocol, *Forest Service and Bureau of Land Management Protocol for Addressing Clean Water Act Section 303(d) Listed Waters*, disclosed more fully within the FEIS.

The Forest Service has a role in developing and implementing Total Maximum Daily Loads (TMDL) for impaired waterbodies on their land. This *303(d) Protocol* provides interim direction to the USFS (and the BLM) on how to address waterbodies which have been listed pursuant to § 303(d) of the CWA that are on Forest Service (and BLM) lands while Oregon develops their Total Maximum Daily Loads (TMDL) plans. The *303(d) Protocol* directs the Forest Service to: 13-12

1) validate that listed streams are impaired;

2) demonstrate that sufficiently stringent management measures are in place to prevent additional degradation; and

3) to proactively develop Water Quality Restoration Plans (WQRP) and not wait for the development of a TMDL

The FEIS should explain the purpose of the *303(d) Protocol* and what it calls for land manager to do (i.e., the above three directives).

The FEIS should further explain at what point and how the *303(d) Protocol* will be addressed and provide more specificity on the steps the MNF will take to implement it. The DEIS should include specifics on the application of the protocol, comparison of priorities for restoration with state priorities for TMDL development and implementation, coordination and collaboration with other agencies also doing restoration planning and activities, and the development of effective feedback and monitoring plans. Monitoring and feedback should be developed to determine if the goals and restoration work targeted are moving the watershed towards desired directions. 13-13

The DEIS states that Myrtle Creek is listed in the Oregon's 303(d) report for not meeting state water quality standards for temperature. One purpose of the *303(d) Protocol* is to 13-14

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support State development of TMDLs through early development of WQRPs. Plans to develop a TMDL for Myrtle Creek were not stated or described. The Silvies Watershed Restoration Project should call on the MNF to develop a WQRP to assist in long-term restoration of any 303(d) list stream for existing or high probable (sediment) water quality standard. A WQRP includes six common elements. These six elements, which should be explained within the FEIS, are: 13-14

1) Condition assessment and problem description
2) Goals and Objectives
3) Management actions to achieve objectives
4) Implementation schedule
5) Monitoring/evaluation plan, and
6) Public participation plan

Issue #4 – SMOKE MANAGEMENT PROGRAM FOR PRESCRIBED FIRES

Please provide in the FEIS an overview of the smoke management program the Forest Service intends to follow to avoid public health impacts and potential ambient air quality exceedances. 13-15

EPA's main concern from prescribed fires is that smoke from the fire will degrade the air quality, which is a statutory responsibility of EPA. In spite of this concern, EPA recognizes the valuable role fires play in the ecosystem and understands how the past practice of fire suppression has had unintended negative effects. Due to the unhealthy condition of our public wildlands, and the increase in unplanned fires, the five major land management agencies under the Departments of Agriculture and the Interior conducted a Federal Wildland Fire Management Policy and Program Review in 1995. From this review, they recommended reintroducing fire (allowing it to play its natural role) into Federal land management programs in "an ongoing and systematic manner, consistent with public health and environmental quality considerations."

Air officials are concerned about the public health impacts that may occur from the smoke which can contain many different chemical compounds. Smoke also contains particulate matter, one of the six pollutants for which EPA has set National Ambient Air Quality Standards (NAAQS). If the NAAQS for particulate matter is exceeded, the EPA is required to designate the area as a "nonattainment" area. This designation then imposes on the State certain legal requirements to bring the area back into attainment.

On May 15, 1998, the EPA issued an interim policy for addressing public health and welfare impacts caused by wildland and prescribed fires that are managed to achieve resource benefits. This *Interim Air Quality Policy on Wildland and Prescribed Fires* was prepared in an effort to integrate the public policy goals of allowing fire to function in its natural role in maintaining healthy ecosystems and protecting public health and welfare by mitigating the impacts of air pollutant emissions on air quality and visibility. The policy was developed with the active involvement of stakeholders, including the US Department

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of Agriculture. A complete copy of EPA's *Interim Air Quality Policy on Wildland and Prescribed Fires* is available on line at www.epa.gov/ttncaaa1/t1/meta/m27340.html.

This guidance is directed at Federal land managers and State and tribal air quality managers and was driven by the concern that there will be exceedances of the NAAQS in light of plans by Federal land managers to carry out more prescribed fires. If there is an exceedance of the NAAQS, the policy allows for EPA discretion in designating an area as "nonattainment," but only if the state has in place a smoke management program. Therefore, it is incumbent on federal land managers to work with the state to ensure they are operating in accordance with any smoke management programs the state may have in effect.

A smoke management program may include a number of elements (See *Interim Air Quality Policy on Wildland and Prescribed Fires*, Section VI, page 17 - Smoke Management Programs and associated subsections for more complete descriptions):

1) a process to authorize burns,
2) a requirement that land managers consider alternatives to burning to minimize air pollutant emissions,
3) a requirement that burn plans include smoke management components,
    a) actions to minimize fire emissions
    b) evaluate smoke dispersion
    c) actions that will be taken to notify populations and authorities prior to burns and to reduce the exposure of people at sensitive receptors if smoke intrusions occur
    d) air quality monitoring, especially at sensitive sites
4) a public education and awareness program,
5) a surveillance and enforcement program,
6) periodic review of its program for effectiveness.

The FEIS should describe those elements that are part of your smoke management program. The more specific environmental impacts of the planned prescribed fires on air quality and visibility should be discussed in the Environmental Consequences section of the FEIS. Section V.A.2.b of the interim report, Evaluating Environmental Impacts, lists seven pieces of information that should be provided.

13-15

We would like to inform the Forest Service that the NAAQS for particulate matter was revised in July 1997 to include a new standard for particles with an aerodynamic diameter less than or equal to 2.5 micrometers ($PM_{2.5}$) and a revised form of the standard for PM_{10}. However, a 1999 Federal court ruling retained in effect but remanded back to EPA the NAAQS for $PM_{2.5}$ for further consideration and vacated the revised PM_{10} NAAQS. The pre-existing (1987) PM_{10} standards remain in effect. The NAAQS for $PM_{2.5}$ are 15 micrograms per cubic meter ($\mu g/m^3$) on annual basis and 65 $\mu g/m^3$ on a 24-hour basis. The PM_{10} standards are 50 $\mu g/m^3$ on an annual basis and 150 $\mu g/m^3$ on a 24-hour basis.

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13-1. Table 4-14 (DEIS pg 4-70) compares road densities by alternative. In all action alternatives, subwatersheds meet or move toward Forest Plan Standards (2.2 mi/mi² in winter range and 3.2 mi/mi² in summer range) for road densities. Alternatives 3 & 4 move the watershed towards the desired future condition road densities (1.0 mi/mi² in winter range and 1.5 mi/mi² in summer range) as described in the Record of Decision, Land and Resource Management Plan, Malheur National Forest (pg 23) (DEIS pg 2-12). See also the FEIS.

13-2. Thank you for your comment. Your comment has been incorporated into the EIS and is now part of the administrative record for this project. This discussion has been updated in the FEIS. See also response to comment 13-1.

13-3. The DEIS pg. 4-3 discloses how roads are maintained after closure, decommissioning, and seasonal closures.

The DEIS pg 2-39 states "Roads that have been closed or decommissioned would be monitored over a five-year period to inspect the effectiveness of the closure or decommissioning and hydrologic function of the remaining roadway. If monitoring determines the closure or decommissioning is not effective, it would be corrected to meet objectives." This discussion has been updated in the FEIS Chapter 2. See also response to comment 12-25.

13-4. The forest is starting a sediment-monitoring program that includes this project area; monitoring for sediment is described in the FEIS Chapter 2.

13-5. Discussion on cumulative effects of grazing is found in the FEIS Chapter 4. See also response to comment 3-5.

13-6. The FEIS chapter 3 states, "Large wood in streams is naturally low and generally does not meet Forest Plan RMOs in the Silvies Project area due to two factors. First, much of the riparian areas are meadows where the potential for recruiting large wood into the channel is low and large wood must be recruited from forested areas upstream. Approximately 59% of the surveyed stream reaches in the project area are within meadows or meadows are the predominant riparian ecosystem type.

Second, large wood RMOs in Forest Plan Amendment 29 may overestimate the potential for large wood in the Silvies Canyon project area. Forest Plan Amendment 29 RMOs for large wood were developed using data from research papers, local research in the upper M.F. John Day River watershed, and professional judgment of Forest staff (R. Gritz pers. com.). However, the southern portion of the Malheur Forest has historically been less productive than the northern portions. The area was historically (prior to 1900) less forested than presently. Approximately 20,000 acres were non-forested in the project area compared to the approximately 15,000 acres that are presently classified as non-forested. Trees 80 to 100 years old that correspond to the expansion of forested areas in the project area are currently 10 to 16" dbh (R. Schwenke pers. comm.). These trees are now just reaching the size class to be considered as potential large wood. The low number of stream reaches meeting RMOs indicates that management activities have reduced the quantity of pool habitat in the project area. Management activities that have reduced pool habitat include livestock grazing and road construction along 'C' and 'E' type channels." See also the effects section in chapter 4 of the FEIS.

13-7. Refer to response to comment 13-5.

13-8. The purpose and need for action statement has been updated in the FEIS Chapter 1. Refer also to the response to comment 13-5.

13-9. Our inventories indicate that most of the noxious weeds are in areas disturbed by mechanical means, such as along roads, in landings and in gravel pits. Livestock may be one of the factors in noxious weed invasion, but does not seem to be a major one. The biggest factor in the Silvies Canyon project area appears to be roads (human travel) and vehicular travel and equipment use. Houndstongue appears to be the only noxious weed in our area that is spread by animals. Currently there are no houndstongue sites within the project area.

13-10. More discussion on cumulative effects of grazing is found in the final EIS.

Standards for livestock use are in place in annual operating instructions (AOIs). Refer also to the response to comment 3-5.

13-11. The term HM will not be used in the FEIS. We will use Animal Month (AM), which is a more commonly used term; it will be defined in the FEIS.

13-12. This project has sufficiently stringent BMPs, design features, and management measures (INFISH), to minimize effects of ground disturbing activities as documented by the following statements (Chapter 4):

- Stream temperatures are not expected to increase due to harvest activities and downstream reaches will be monitored on short term and long basis for possible changes.
- Where riparian shrubs and trees are killed by fire, aquatic habitat can be adversely affected due to a short-term decrease in cover and increases in water temperatures.
- Overall, there is little risk from prescribed fire, but there always is a possibility that fire intensity could be higher than expected and result in reduced stream shading for short periods of time.
- Conifer removal around aspen may result in slightly higher stream temperatures for 1-3 years. As aspen re-grow, stream shade would improve beyond the level provided by conifers.
- Livestock grazing is a contributing factor to the degradation of riparian habitat resulting in higher stream temperatures. Discussions on livestock grazing are limited to Chapter 3 and the cumulative effects section of Chapter 4 since this is outside the scope of this EIS.

The Malheur N.F. has not been funded for WQRPs in this area therefore they are not done.

13-13. The Silvies Canyon Restoration Project has considered the effects of all action and no action alternatives on the resource and made every attempt to limit negative effects while still attempting to restore the vegetative component of the resource. Cumulative effects from livestock grazing are also described in the FEIS chapter 4.

Monitoring of temperature, sediment, aquatic habitat and fish populations has been identified and planned for future years in the project area. (Monitoring section of FEIS, Chapter 2)

13-14. The Malheur National Forest has not been funded for WQRPs in this area therefore they are not done.

13-15. The effects on air quality were evaluated in the DEIS on page 4-49. A more in-depth analysis was included in the FEIS chapter 4 and the Fuels Specialist Report.

We have collaborated with the State of Oregon and developed a memorandum of understanding (MOU). Forest Service has agreed to 10 provisions. This MOU is documented in the DEIS on page 4-49 and 5-20. *Memorandum of Understanding Between Oregon Department of Environmental Quality, Oregon Department of Forestry, USDI Bureau of Land Management, and USDA Forest Service, 1994.*

14

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April 20, 2001

Emigrant Creek Ranger District
Lori Bailey and Joan Suther, EIS team leaders
James Keniston, District Ranger
HC 74 – Box 12870
Hines OR 97738

Subject: ONRC comments on the Silvies Canyon DEIS

Dear Mr. Keniston, Ms. Bailey, and Ms. Suther:

Please accept the following comments from Oregon Natural Resources Council Fund (ONRC) concerning the Silvies Canyon DEIS dated February 2001. ONRC would like to urge you to restore historic vegetation patterns through prescribed fire, grazing restrictions, and other non-commercial activities while protecting the many values of inventoried and uninventoried roadless areas. Since there are risks to soil, wildlife, water, and roadless qualities from commercial logging, and since the EIS admits that there is a high likelihood that no bids will be received in today's market, we urge you to prepare a supplemental EIS to address lynx, soil, juniper, grazing and other issues raised in these comments, and then adopt either the no action alternative, or if appropriate, adopt alternative 3 — maximum restoration without harvest — modified as follows: no road building, no cutting of large trees, no juniper cutting in the inventoried or uninventoried roadless areas, more road closures, reduced livestock grazing, and conserve options until more is known about the needs of lynx.

ROADLESS CONCERNS

There are several uninventoried roadless areas that will be affected by the proposed Silvies Canyon project. Some of these roadless areas are contiguous with the inventoried Myrtle-Silvies Roadless Area and some of the roadless forest land is separated from the Myrtle Silvies area by only a single road, but in blocks larger than 1,000 acres making them ecologically significant. *See the attached map of the inventoried roadless area and uninventoried roadless areas ≥ 1,000 acres from ONRC's GIS system.* 14-1

Commercial thin unit 3.01, juniper removal unit 1.06, and precommercial thin unit 40.01 are located wholly or partially within the inventoried Myrtle-Silvies Roadless Area which is covered by the Forest Service Roadless Conservation ROD and 36, CFR 294. These units must be dropped and/or a thorough analysis done considering the multiple criteria for exempting these areas form the general prohibition on logging in inventoried roadless areas. 36 CFR 294.13. 14-2

D-58

ONRC has identified the following harvest units as located wholly or partially within uninventoried roadless areas greater than 1,000 acres:
1.06,
3.01,
4.01, 4.02, 4.03, 4.05, 4.06,
5.01, 5.02,
6.03, 6.04,
7.01, 7.02, 7.03, 7.04, 7.05, 7.06,
8.04, 8.05, 8.06, 8.07,
9.01, 9.02,
10.01, 10.03, 10.04,
11.11, 11.12,
12.01, 12.02, 12.03,
13.01, 13.02, 13.03, 13.04
14.01, 14.02, 14.03,
16.01, 16.02, 16.03, 16.04, 16.05, 16.07,
19.01, 19.02, 19.03,
20.06, 20.07,
21.01, 21.02, 21.03, 21.04, 21.05, 21.06, 21.07, 21.08, 21.09, 21.10, 21.11,
22.01, 22.02, 22.03, 22.04, 22.05, 22.06,
24.01, 24.42,
25.01,
32.02, 32.09,
33.03, 33.08, 33.09, 33.10, 33.11, 33.13
36.18,
37.01, and 37.02.

14-3

All the above units having prescriptions calling for commercial thinning, intermediate thinning, or juniper removal should be dropped to protect roadless values such as those described in the USFS roadless Conservation FEIS. The following PCT units are within uninventoried roadless so they must remain non-commercial prescriptions and they should be carefully managed to avoid harm to roadless values: 4.03, 5.01, 6.04, 7.04, 7.06, 8.04, 8.07, 9.02, 11.12, 12.01, 12.02, 13.03, 13.04, 16.02, 16.03, 16.04, 19.02, 20.06, 20.07, 21.03, 21.04, 21.10, 22.03, 22.06, 33.09, 33.11, 33.13, 40.01, and 41.01.

14-4

The Silvies Canyon DEIS does not address any effects on uninventoried roadless areas. While we do not object in principle to the use of prescribed fire in the roadless areas, please refer to our discussion of concerns about the proper use of prescribed fire below (beginning on page 10). We do however object to commercial timber harvest in the uninventoried roadless areas the impact of which are nowhere discussed in the EIS.

The Malheur NF should take note that the Rogue River National Forest considered unroaded areas in the recent Mill Creek DEIS. Although the Rogue River National Forest should be commended for acknowledging the existence of uninventoried roadless areas in an EIS, they did not do a good job of analyzing the impact of the proposed project on the values embodied by the uninventoried roadless areas.

D-59

Roadless areas greater than about 1,000 acres, whether they have been inventoried or not provide valuable natural resource attributes that must be protected. These include: water quality; healthy soils; fish and wildlife refugia; centers for dispersal, recolonization, and restoration of adjacent disturbed sites; reference sites for research; non-motorized, low-impact recreation; carbon sequestration; refugia that are relatively less at-risk from noxious weeds and other invasive non-native species, and many other significant values. See Forest Service Roadless Area Conservation FEIS, November 2000, http://roadless.fs.fed.us/. This project involves activities in such unroaded areas. The NEPA analysis for this project does not adequately discuss the impacts of proposed activities on all the many significant values of roadless areas. 14-5

It is possible to walk (for example) from inside many units of this timber sale to the interior of recognized roadless areas without ever crossing a road. This makes these units roadless. 14-6

Roadless area boundaries are an issue that has never been validated in any NEPA process. Only arbitrary Forest Service designation, outside of any public appeal opportunity, has set these boundaries. As part of this NEPA analysis, the roadless boundaries should be validated. This is addressed clearly by the California v. Block decision and others. 14-7

An action does not have to occur inside a RARE II boundary to affect a roadless area, because RARE II is not the final word on roadless lands. As the Forest Service is abundantly aware, the court ruled in *California v. Block* that actions affecting wilderness status could not rely on RARE II. The court ruled that RARE II did not comply with NEPA and "was inadequate to support the non-wilderness designations of the disputed areas and therefore violated NEPA." In the present case, the Forest Service is relying on an illegitimate RARE II boundary of this roadless area to support its contention that logging may occur in *de facto* roadless land without affecting future wilderness designation. 14-8

Further, the Forest Service Washington Office ruled in its appeal decision of the Idaho Panhandle Forest Plan Appeal that roadless areas must be evaluated individually when logging is to occur in them.

The fact that several of the units of this timber sale do not fall within the RARE II boundary but *do* fall adjacent to it and undivided from it by any road requires the Forest Service to address roadless impacts per the NFMA and to acknowledge to the public the effects to the roadless resource.

The DEIS failed to consider the significant environmental impacts of proposed activities in uninventoried roadless areas.

D-60

GRAZING AND FOREST HEALTH

There are at least 8 livestock grazing allotment in the planning area for this project. Page 3-18 of the DEIS admits that tree density and diversity increased with the advent of grazing (and fire control). The DEIS speaks at length about fire exclusion and the need to cut trees to address overstocked stands, but the DEIS does not address the need to exclude livestock to restore natural vegetation profiles. The DEIS describes the effects "on" range resources but fails to disclose or analyze the effects "of" livestock on forest health and the desired future condition of vegetation composition. 14-9

This project does nothing to address the threat that livestock grazing causes to forest health. There is virtually no point in trying to mechanically reduce tree density unless you deal with other underlying causes of overstocking, e.g. livestock grazing. 14-10

Grazing reduces the density and vigor of grasses which usually outcompete tree seedlings, leading to dense stands of fire-prone small trees. Cows also decrease the abundance of fine fuels which are necessary to carry periodic, low intensity ground fires. This reduces the frequency of fires, but increases their severity. See Belsky, A.J., Blumenthal, D.M., "Effects of Livestock Grazing on Stand Dynamics and Soils in Upland Forest of the Interior West," Conservation Biology, 11(2), April 1997. http://www.onda.org/Archives/ForestGrazing.htm 14-11

The EA failed to address these issues and failed to consider alternative ways of avoiding these impacts by not grazing. The combination of fire suppression, past high-grading, and livestock grazing together caused the overstocked condition of the stands in the analysis area. Logging and prescribed fire will only partially address the problem. To be effective, livestock grazing must also be eliminated. Grazing and logging cause cumulative effects that must be considered together in one NEPA document.

SNAGS AND CAVITY DEPENDENT SPECIES

Currently there are only about 1 snag per acre in the planning area which can support only 40% of the potential population of cavity dwellers. DEIS page 3-53. In addition, the DEIS indicates that mixed conifer stands may be deficient in down woody debris. Removing lots of trees (i.e. future snag habitat and down woody debris) as proposed in the DEIS (plus felling snags for safety reasons as always happens) will only exacerbate the problem. 14-12

Bats, martens, woodpeckers, bears, and many other species are dependant upon snags. Current direction for protecting and providing snags does not meet the needs of the many species associated with this unique and valuable habitat component. See PNW Research Station, "Dead and Dying Trees: Essential for Life in the Forest," Science Findings, Nov. 1999 (http://www.fs.fed.us/pnw/sciencef/scifi20.pdf) ("Management implications: Current direction for providing wildlife habitat on public forest lands does not reflect findings from research since 1979; more snags and dead wood structures are required for foraging, denning, nesting, and roosting than previously thought.") 14-13

Snags should be carefully inventoried by species, size, decay status, quality, and location during project planning, and they should be treated as "special habitats" and given special protection during project planning and implementation (i.e. keep workers out of the vicinity of snags so that OSHA doesn't order them cut). The EA does not adequately address the need to protect and provide snag habitat. 14-14

The snag retention requirements in the applicable management plan Standards & Guidelines for this project fail to retain enough snags to provide habitat for viable populations of cavity dependent species. Since snags have a patchy spatial distribution, surveys to determine snag abundance require very large sample sizes relative to other general vegetation surveys. This was not recognized until relatively recently, so most past surveys conducted to determine natural snag abundance have therefore grossly underestimated the true abundance of snags. This has lead the agency to underestimate the number of snags necessary to protect species. This new information must be disclosed and documented in a supplemental DEIS and it requires a forest plan amendment.

The agency must do away with the caveat that they will protect snags "except where they create a safety hazard." This is based on a false choice between snags and safety. The agency can simply buffer snags from activities that involve unprotected workers, then all ecologically important snags can be protected. The agency must consider this as an alternative to their proposed "management by caveat." An example of this was the Umpqua National Forest, Cottage Grove Ranger District's 2001 decision to remove a picnic table near Moon Falls in order to avoid placing the public in a hazardous situation with respect to a nearby snag. Similarly, the agency here should save the snags by avoiding the activity in the hazard zone around the snags. 14-15

The EA must at least disclose how many large snags will be protected vs. felled for safety under the preferred alternative. 14-16

SOILS CONCERNS

According to the regional guidelines soils in 80% of an activity area must be maintained in a non-compacted, non-displaced, and non-puddled condition. Soils must be "maintained," not "mitigated" or "restored" to attain that objective. Mitigation should not be used as an excuse for violation of the regional soil guidelines. 14-17

Scarification, ripping, and subsoiling does not alleviate the following negative impacts, therefore not completely mitigating: 14-18

- compaction of soil and alteration of the soil ecosystem;
- alteration of hydrology, water storage, flow, timing, from soil compaction;
- alteration or loss of native plant communities, and tendency to create conditions which favor noxious weeds or other non-native plants;
- disruption of soil foodweb and biotic communities that serve important soil functions and processes such as aeration, nutrient cycling,

Soil productivity must be zealously guarded in order to protect our forests for future generations. This project will cause unacceptable impacts to soil resources. Use of ground-based logging equipment almost always compacts soil causing reduced site productivity, drastically altered soil food web relationships, reduced infiltration, and increase surface runoff. Spring burning can also be very harmful to soil and the thousands of creatures that live all or part of their lives in the soil profile. The DEIS needs to consider these impacts and consider alternative ways to avoiding these impacts. 14-19

Ground-based logging causes higher incidences of root damage and scarring of residual trees (compared to skyline systems). Kellog, L., Han, H.S., Mayo, J., and J. Sissel, "Residual Stand Damage from Thinning— Young Stand Diversity Study," Cascade Center for Ecosystem Management. 14-20

Soil disturbance caused by logging also causes erosion that adversely impacts both soil and water resources. The existing level of soil disturbance has not been measured and disclosed in the DEIS so the Agency cannot say with any factual basis whether forest plan standards will be met. This is arbitrary and capricious. Existing soil impacts must be measured and future impacts estimated so that an adequate cumulative effects analysis can be prepared and included in a supplemental EIS. 14-21

JUNIPER

The DEIS cited the Belsky paper on juniper, but failed to address its main points. The scientific basis for juniper control is highly questionable. 14-22

> Many ranchers, rangeland managers, and range scientists in the Pacific Northwest consider western juniper (*Juniperus occidentalis* Hook.) to be an invading weed that reduces water infiltration, dries up springs and streams, increases erosion, reduces biodiversity, and reduces the quality and quantity of forage for livestock and wildlife species. Although there is little scientific evidence supporting most of these beliefs, they are currently being used as rationales for controlling juniper on public and private lands. Similar views were held about pinyon-juniper woodlands in the Southwest and Great Basin from the 1940's through the 1960's, when efforts were also made to control woodland expansion. 14-23
>
> Pressures to control the further spread of western juniper and reduce its density in woodlands are increasing. Because of the paucity of information on the environmental effects of western juniper expansion in the Northwest, this paper primarily reviews evidence from earlier studies of pinyon-juniper woodlands in the Southwest and Great Basin. These studies rejected similar assumptions about the deleterious effects of pinyon-juniper expansion on ecosystem properties and call into question current rationales for controlling western juniper in the Northwest. These studies also suggest that while the expansion of juniper might alter species composition and decrease herbaceous biomass in grasslands and shrublands, they have few detrimental effects on streamflow, aquatic organisms, soil properties, or wildlife habitat.

. . . while the expansion of juniper might alter species composition and decrease herbaceous biomass in grasslands and shrublands, they have few detrimental effects on streamflow, aquatic organisms, soil properties, or wildlife habitat. . . . [P]opular conclusions about junipers ignore many of the complexities of natural ecosystems, including the following:

1. In arid and semi-arid climates, most snow- and rain-water simply recharges the soil column; little excess is available to move downslope to streams (Hibbert 1983, West 1984),
2. Herbaceous plants and shrubs that replace trees also intercept rain and snow, reducing the amount of water reaching the ground;
3. Replacement plants also transpire and deplete soil water (Clary et al. 1974, Brown 1987a);
4. Tree removal exposes the soil and understory plants to direct sunlight, causing elevated temperatures and increased evapotranspiration (Clary et al. 1974, Everett and Sharrow 1985);
5. Tree removal exposes soils and understory plants to more wind, which increases evapotranspiration (Everett and Sharrow 1985); and
6. In areas where water is in excess of that needed to recharge the soil, this water may go to shallow aquifers rather than to streams (Hibbert 1983).

In other words, studies showing that junipers intercept precipitation and transpire water (Young and Evans 1987, Eddleman and Miller 1992) cannot be used to conclude that this lost water would have ended up in streams and springs. To do so, water budgets of juniper-dominated and juniper-free sites would have to be compared, or long-term changes in streamflow following juniper removal measured.

A. JOY BELSKY, Viewpoint: Western juniper expansion: Is it a threat to arid northwestern ecosystems? Journal of Range Management 49:53-59 January 1996, pp. 53-59. http://www.onda.org/Archives/BelskyJuniper.html.

14-23

Livestock, by further decreasing herbaceous cover, cause many of the same effects, and many more that are far more deleterious. We propose the agency remove livestock before controlling juniper. By removing livestock maybe the herbaceous component can increase enough to carry fire and reestablish a mosaic of fire driven seral development.

14-24

A supplemental DEIS should be prepared to discuss whether removing livestock and removing roads would be as effective or more effective than juniper control in restoring hydrologic function, fire ecology, and vegetation composition.

LYNX CONCERNS

The "NO EFFECT" finding for lynx is highly questionable. The BE says that lynx habitat is always associated with subalpine fir and spruce. This is incorrect. Lynx are often associated with Rocky Mountain conifer which is a much broader vegetation type

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which this project clearly falls within, and this project is also highly likely to result in a decline in the population of species likely to be preyed upon by lynx. The BE raises an inference that lynx do not occur in the state of Oregon (by saying that further surveys and research is needed before considering lynx to be self-maintaining in Oregon), but it can be just as easily said that further research is needed before lynx can be considered extirpated in Oregon and before considering all lynx in Oregon to be transient individuals as is often implied in the BE. The decision-maker and the public have been mislead by the BE and DEIS discussion concerning the likely impacts of this project on lynx. 14-25

The Oregon Natural Resources Council is greatly disturbed over the impacts the Silvies Canyon project could have on lynx, a federally listed species. We are also concerned with the lack of analysis the Draft Environmental Impact Statement gives to lynx and lynx habitat and feel it misses several factors that are crucial to the survival of the species. The Silvies Canyon DEIS gives merely cursory attention to lynx. It does not take a close look at the possibility of lynx occurring in the project area and therefor fails to analyze potential impact the proposed action could have on lynx. 14-26

The ONRC believes that the project area is potentially lynx habitat. What is mapped as lynx habitat is constantly being changed and/or redefined. The Forest Service knows very little about lynx habitat associations (Forest Service GTR RM-254, 1994 and the Science Team Report) and quite clearly faces the dilemma of conserving lynx with little knowledge of their habitat needs or ecology. In light of this lack of information on lynx both the Science Team Report (page 6 chapter 1) and the Lynx Conservation Assessment and Strategy (see the Executive Summary and on Page 75) adopt the need to "err on the side of conservation". 14-27

The DEIS for Silvies Canyon has taken the opposite approach. The Forest Service has tried to downplay the lynx issue in this document and has failed to consider several important facts. First, under the new mapping direction (From the Lynx Biology Team in their 8/22/00 letter) the Silvies Canyon project area meets the cut off criteria for lynx habitat: it is above 4000 feet in elevation and is within the Rocky Mountain Conifer Type "outer boundary" set by McKelvey in Fig. 8.19 in the Science Team Report. Additionally most of the forest in the project area is of the Western Ponderosa or Grand Fir/ Douglas Fir subtypes of the Rocky Mountain Conifer Type. These subtypes have shown a strong association with lynx occurrence reports for North East Oregon. Of the 33 occurrence records here 27 (about 82%) fall within these subtypes.

Secondly, there are good quality reports of lynx reasonably close to the project area. In 1997, less than 20 air miles to the west of the project there was a sighting of a lynx by a Forest Service biologist and two other Forest Service employees. The USFWS rates the reliability of this sighting as "very good". Roughly the same distance east of the project area there is a confirmed report of a lynx that was trapped in 1993 and a "good" reliability sighting. There are historically confirmed reports of lynx from both Grant and Harney counties, but this record is incomplete and lacks, among other things, predatory bounty records from these counties (The ONRC expects to have this information soon). Also of interest is the 1942 "Estimate Wildlife Census" from the Ochoco National 14-28

Forest's Big Summit District which predicts that there are twenty lynx on the district. We have been unable to produce any of these type of reports from the Malheur. 14-28

The DEIS fails to show us the whole picture on lynx and presents only the facts that meet its goal of ignoring lynx and proceeding with the project. The ONRC believes its analysis is biased and incomplete. Lynx should receive proper analysis before this project can proceed. We ask that the Forest Service revisit its mapping of this area for lynx habitat and keep the following concerns in mind when continuing to develop this project:

1. The project involves habitat fragmentation: Fragmentation of habitat is a very plausible reason for the dubious status of lynx in the state of Oregon and across the southern portion of their range. Habitat Fragmentation can impact lynx by directly destroying habitat, favoring generalist species over lynx, and facilitating the access of competitors into lynx habitats where they are normally excluded in natural environments. Habitat fragmentation can be especially damaging to lynx in the southern part of their range. This project will fragment habitat by construction and reconstructing roads and through timber harvest. The Oregon Natural Resources Council is especially concerned with the increase in the ability of species that compete with lynx to access and use the project area that this fragmentation will facilitate.

2. The project will impact lynx prey: Data is lacking on the food habits of lynx in Oregon and this represents a critical research need. It is well accepted that lynx are dependant on snowshoe hares as a prey base but in the southern portions of lynx range (especially in the western mountains, where this project occurs) squirrels may always be an important part of lynx diet. It is critical to understanding how this project may impact lynx to examine how it will impact lynx prey. The DEIS ignores this critically important potential impact. Forest Service researcher Evelyn Bull (1999) has shown that the types of logging proposed in the project could impact lynx prey. 14-29

3. The project will facilitate increased human access to lynx habitat: Increased human access into lynx habitat is seen by the USFWS as a 'significant threat to the continued existence of lynx in the lower 48 states". Minimal human disturbance is important to lynx denning sites and security from such disturbance is seen as a requirement for establishing lynx refugia. The increased area use, road construction/reconstruction, fragmentation, skid trails, and logging resulting from this project will create a potential for increased human access into the project area. This could be harmful to lynx especially when this project is held cumulatively with the increased human access facilitated by other projects on the district and surrounding lands. A lynx mortality east of the project area resulted from trapping in 1993. Trapping in the project area could increase if one of the action alternatives is implemented.

4. The project will impact lynx habitat: Lynx require an mosaic of forest conditions. They rely on early successional phases for hunting, cover for security, prey stalking,

D-66

and travel, and late successional forests for denning. Lynx seem to require these habitat types in continuity, preferring to move from denning to foraging areas and from den to den in mature forests. The EIS should discuss the impacts of each alternative on each of these components of lynx habitat. We are especially concerned with the potential impacts to travel habitat and the harvest units that may be located on ridges and saddles or next to previously harvested areas, burns or meadows.

14-29

5. The project could destabilize lynx metapopulation structure: Lynx in Oregon are likely to exist in a metapopulation (see the lynx Draft BA). Based on lynx occurrence records the project area is a potentially important area for dispersing lynx and the project could impact this structure. This project includes activities that will fragment lynx habitat and could create barriers to lynx movement. The EIS should address how each alternative of the project will affect lynx metapopulation structure. The EIS should discuss what the results of this will be on metapopulation structure, especially when the project is held cumulatively with the many other projects in lynx habitat in the state. Each action alternative could impact the ability of lynx to form a stable metapopulation, which requires the lynx to be able to move between habitat patches. This needs to be addressed in both a project specific and a cumulative sense.

Prescribed fire

ONRC generally supports the use of prescribed fire to re-establish natural fire and fuel regimes. However, we also feel that fire must be used appropriately. Few fires occurred in the spring under natural conditions and serious adverse effects on plants and animals could occur form the overuse of fire at the wrong time of year. Arthur R. Tiedemann, James O. Klemmedson, Evelyn L. Bull recently suggested:

14-30

> that a broader array of resource questions be considered before prescribed burning is implemented. We think the objectives of prescribed burning must be clearly defined and realistic estimates stated for out- comes for all affected resources. If the objective is to restore forest health, then we suggest that forest productivity, wild- life, biodiversity, and other resources and values are as much a part of the forest health equation as are the structure of a forest stand and its tolerance to fire. Thus, management aimed at returning forests to an open, seral condition should be carefully evaluated from the perspective of all the key resources and values.
> * * *
> we question how well presettlement forest conditions are understood. How pervasive was the influence of fire throughout forests of the Blue Mountains? Hall (1976) indicates that the ponderosa pine/pinegrass (Calamagrostis rubescens Buckl.) association was burned by surface fires at 7±10-year intervals. Of 22 habitats now dominated by grand fir and subalpine fir (Abies lasiocarpa (Hook.) Nutt.) listed by Johnson and Clausnitzer (1992), however, only three were historically seral ponderosa pine that were burned by periodic surface fires (personal communication, Dr. F.C. Hall, Pacific Northwest Region, USDA Forest Service).
> * * *

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> A primary concern whenever prescribed fire is used in forest management is loss of nutrients and impaired site productivity. . . . If sites are harvested and residues are burned, not only will nutrients removed in trees be lost, but also — potentially— much of the nutrient pool in slash and forest floor, depending on burning conditions. Thus, the potential to adversely affect long-term site productivity is always present.
> * * *
> The consequences of large-scale prescribed burning on wildlife in the Pacific Northwest are largely unknown because studies have been limited to investigating the effects of small prescribed burns on specific species for a relatively short time after burning. The potential effects of prescribed burning on a landscape scale should be examined carefully to determine if the changes caused by prescribed burning are compatible with other management objectives for wildlife.

14-33
14-34
14-35

Tiedemann, A.R., Klemmedson, J. O., and Evelyn L. Bull, *Solution of forest health problems with prescribed Fire: Are forest productivity and wildlife at risk?*, Forest Ecology and Management 127 (2000) 1±18 3, http://147.46.94.112/forestfire/f14_20001271301.pdf. These issues do not appear to have been addressed in the DEIS.

14-36

No Road-building Please

This project involves 15-18 miles of new road construction.

> Nothing is worse for sensitive wildlife than a road. Over the last few decades, studies in a variety of terrestrial and aquatic ecosystems have demonstrated that many of the most pervasive threats to biological diversity - habitat destruction and fragmentation, edge effects, exotic species invasions, pollution, and overhunting - are aggravated by roads. Roads have been implicated as mortality sinks for animals ranging from snakes to wolves; as displacement factors affecting animal distribution and movement patterns; as population fragmenting factors; as sources of sediments that clog streams and destroy fisheries; as sources of deleterious edge effects; and as access corridors that encourage development, logging and poaching of rare plants and animals. Road-building in National Forests and other public lands threatens the existence of de facto wilderness and the species that depend on wilderness.

14-37

http://www.wildrockies.org/WildCPR/reports/ECO-EFFECTS-ROADS.html

See also NRDC Report: "End of the Road: The Adverse Ecological Impacts of Roads and Logging: A Compilation of Independently Reviewed Research" (1999) which discusses the fact that roads:

1. Harm Wildlife
2. Spread Tree Diseases and Bark Beetles
3. Promote Insect Infestations
4. Cause Invasion by Harmful Non-native Plant and Animal Species
5. Damage Soil Resources and Tree Growth

D-68

6. Adversely Impact Aquatic Ecosystems

Table 4-15 on page 4-71 of the DEIS has a nice outline of the general effects of roads on wildlife but the site-specific effects of each proposed road segment in this sale area are still lacking. 14-38

Weeds

The invasive weed sites in the analysis area and along all log and gravel haul routes should be fully inventoried and documented as part of the NEPA process for this project. In the absence of valid and complete weed survey information, harvest and road and fuel treatment activities planned as part of this project might exacerbate the problem instead of contain it. 14-39

We find it highly unlikely that conducting ground disturbing activities over so many acres of this planning are will not make the weed problems worse instead of better. These weeds are "a slow motion explosion" that should not be taken lightly. It is often better to just close roads and avoid ground disturbing activities while sending crews in to do hand-pulling of weed infestations as necessary. 14-40

Page 3-41 of the DEIS discusses some management actions that could limit the spread of weeds, but it is unclear whether or how these potential management actions were incorporated into the NEPA alternatives. The management actions discussed also leave out some reasonable alternatives, such as avoiding ground disturbing activities such as yarding and grazing, ands requiring pressure washing of all vehicles, not just off-road vehicles. 14-41

ECONOMIC ANALYSIS

The economic analysis needs to be clarified. The DEIS says that preferred alternative 2 has a positive net present value of about$65,000, yet this estimate, spread over the 30,000-40,000 acres of activities with all the uncertainties associated with implementation and market fluctuations, must have a huge confidence interval. It would be useful to know the confidence that the FS has in that figure.

ASPEN RESTORATION

We object to the adoption of a forest plan amendment that would allow cutting trees over 21 inches dbh to enhance aspen stands. The photo on page 3-14 of the DEIS looks more like aspen encroaching on an old-growth pine stand rather than the reverse, as claimed. Those pine trees have been here too long to be certain they are the product of human intervention. Aspen can co-exist with conifers and we can be sure that the stands will be reset by fire eventually, so let's just leave the larger trees. 14-42

D-69

We also object to commercial use of conifers that may be cut in RHCAs. These trees must be left live if large and left standing (girdled) if smaller or left on the ground as LWD for the stream and the soil and wildlife. 14-43

BIG GAME

Habitat effectiveness for big game, especially in terms of cover and road density, is currently not in compliance in large portions of the planning area. How did this happen? 14-44

CONFUSION

The proposal is confusing making the effects analysis hard to use. We are unclear whether road 3700117 will be closed or open after the project. It has been identified as a problem road that bleeds sediment directly into a stream but since the preferred alternative is a combination of alternatives 4 (which leaves the road open) and 10 (which closes the road), we are unclear on the intended outcome. Please close the road to protect the stream. The entire roads analysis on pages 4-11 though 4-16 is unclear because of the merged preferred alternative. The road density discussion starting on page 4-68 is also unclear for the same reason. Just know that we favor the maximum road closures.

Sincerely,

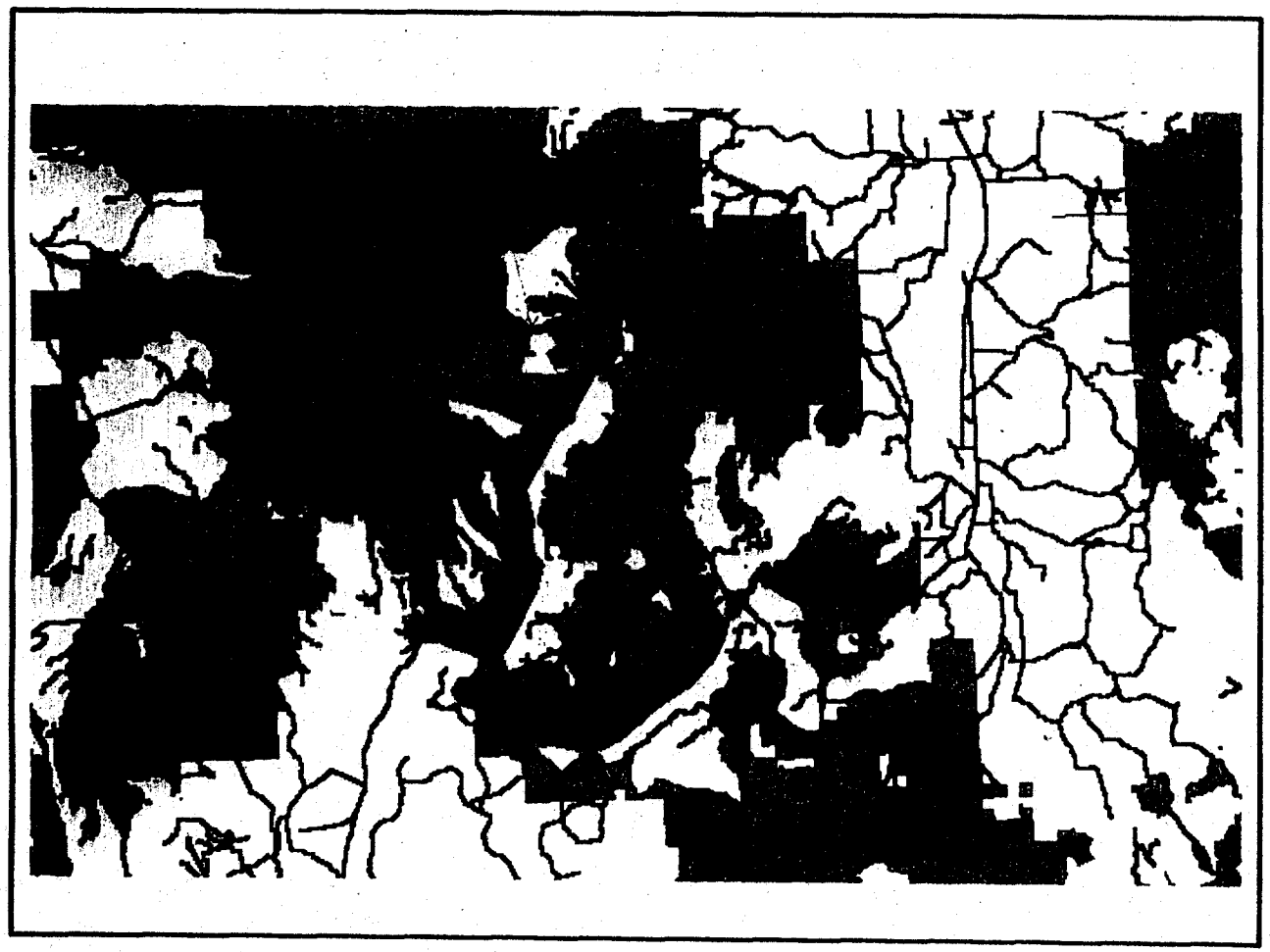
Doug Heiken
Western Oregon Field Representative

Attachment: map of the inventoried and uninventoried roadless areas around the Myrtle-Silvies inventoried roadless area

D-70

ESRI ArcExplorer 2.0

Silvies Canyon - Malheur



Roads
Wilderness
Rare II (Myrtle-Silvies)
Uninv-Roadless
National Forests (OWN)
0
11

N

Tuesday, Apr 17 2001

ONRC - Eugene

D-21

14-1. For the Forest Service, the definition of roadless areas is "those areas identified in a set of inventoried roadless area maps, contained in Forest Service Roadless Area Conservation Final Environmental Impact Statement, Volume 2, dated November 2000, which is held at the National headquarters of the Forest Service, or any update, correction, or revision of those maps" (66 FR 65802). These areas came from the FEIS Land and Resource Management Plan, Malheur National Forest Appendix C. The Malheur National Forest is not proposing boundary changes to those identified in the Roadless Area Conservation FEIS. The request to make these units "roadless" is therefore out the scope of this project FEIS.

All action alternatives in the DEIS were developed not to preclude implementation of National Forest System Land and Resource Management Planning regulations at 36 CFR 219 (65 FR 67514, November 9, 2000), Administration of the Forest Development Transportation System regulations at 36 CFR 212 and Forest Service Transportation Administrative Policy (66 FR 3206, January 12, 2001), and Roadless Area Conservation regulations at 36 CFR 294 (66 FR 3244, January 12, 2001). Since the DEIS, interim direction for Roadless Area Protection was published in the *Federal Register* on August 22, 2001 (66 FR 44111) and Forest Transportation System Analysis and Roadless Area Protection on December 20, 2001 (66 FR 65796). This direction was used for alternative development and management of roadless areas in the FEIS. Inventories to consider areas that might be eligible for wilderness designation are done as part of Forest Plan revision. The Malheur Forest Plan revision process is due to start in fiscal year 2004. The current criteria used for these areas are found in Forest Service Handbook 1909.12 – Land and Resource Management Planning Handbook, Chapter 7.

14-2. Commercial thin unit 3.01 and juniper removal unit 1.06 are not wholly or partially within the Myrtle-Silvies Roadless Area, they are adjacent to it. The effects of proposed commercial thinning and juniper removal adjacent to the Myrtle-Silvies Roadless Area for each alternative are found in Chapters 3 and 4 of the DEIS. This discussion has been updated in the FEIS.

Precommercial thin unit 40.01 is wholly within the Myrtle-Silvies Roadless Area. Proposed precommercial thinning and associated fuels treatment (hand piling and burning) within roadless areas meets the interim direction for Roadless Area Protection, as published in the *Federal Register* on August 22, 2001 (66 FR 44111). Specifically, the exception is for cutting of generally small diameter trees, which maintains or improves roadless characteristics. Proposed precommercial thinning of small diameter trees, (less than 9" dbh) and hand piling and burning thinning slash piles on 729 acres of potential bald eagle winter roost areas would improve habitat for the bald eagle, a threatened species, and move towards restoring ecosystem composition and structure, thus reducing the risk of uncharacteristic wildfire effects. The effects of proposed precommercial thinning within the Myrtle-Silvies Roadless Area for each alternative are found in Chapters 3 and 4 of the DEIS. This discussion has been updated in the FEIS.

Analysis of the roadless characteristics of the Myrtle-Silvies Roadless Area has been expanded in the FEIS. See also Response number 14-1.

14-3. This long list of units is not within the roadless area. See also response to comment 14-1.

14-4. Roadless inventories were done as part of the development of the 1990 Malheur National Forest Land and Resource Management Plan. The areas you indicated were considered in that inventory and were not included in a roadless area. The areas you indicated that are within the Silvies Canyon Watershed Restoration Project Area were allocated to MA 1/2 - General Forest, MA 4A – Big Game Winter Range, MA 10 – Semi-Primitive Non-Motorized Recreation Area, MA 13 – Old Growth, and MA 14M – Visual Corridors. The decision was made in the ROD for the Forest Plan; therefore, it is outside the scope of this project. It may be considered in the Forest Plan revision (see also response to 14-1).

14-5. See Response to comment 14-1.

14-6. See Response to comment 14-1.

14-7. Roadless area boundaries have been through several NEPA processes: the 1972 Roadless Area Review and Evaluation (RARE), the 1979 RARE II, and the 1990 Malheur Land and Resource Management Plan. Additionally, a DEIS and FEIS were prepared for the Roadless Area Conservation regulation in 2000. The

1990 Malheur Land and Resource Management Plan decision had a public appeal opportunity under which the Forest received 15 appeals.

14-8. The DEIS and FEIS are following the direction and decisions made in the 1990 Malheur National Forest Land and Resource Management Plan which met the court ruled requirements identified in *California v. Block*. Also see Response number 14-4.

14-9. The DEIS page 3-18 refers to the increase in juniper and ponderosa pine encroachment on historically non-forest lands. See also response to comment 3-5.

14-10. The cumulative effects from grazing have been updated in the FEIS Chapter 4. See also response to comment 3-5.

14-11. The cumulative effects from grazing have been updated in the FEIS Chapter 4. See also response to comment 3-5. The effects of grazing on the vigor and density of grass were updated in the FEIS. However, current utilization standards leave fuel on the ground. Observations over the past 15 years show that livestock grazing has not stopped the spread of wildfires.

Periodic moderate disturbance usually increases the density and vigor of bunchgrass, whether from historical disturbances such as fire, or from grazing by ungulates. Over grazing by ungulates can reduce the density and vigor of grasses. Whether historically grasses out competed trees due to greater density and vigor in this area is not known. It is more likely there were fewer trees and more grasses, because grasses respond favorably to periodic low intensity fire, while conifer trees require a favorable seed year.

14-12. The FEIS was updated to include conditions as they relate to DecAID (Mellen et al. 2003). DecAID is an internet-based computer program being developed as an advisory tool to help federal land managers evaluate effects of management activities on wildlife species that use dead wood habitats. DecAID includes recommendations for snags of all sizes. Chapter 2 of the FEIS states, "Retain all snags… Snags, which are deemed a hazard to operations, may be felled, but should be left to provide down logs..." No snags are designated for harvest in this project. In addition to snags, no downed logs would be harvested. Green trees would be left at basal areas averaging 50-60 ft^2/ac. after treatment (higher in corridors and untreated areas) to provide for replacement snags in the future. All action alternatives would retain green replacement trees above Forest Plan standards to provide for management of future snag and down log levels at or above Forest Plan standards. The proposed level of green tree replacements in all action alternatives would allow for management of snags and down wood at the 50% to 80% tolerance level or higher for white-headed woodpecker and closer to the 50% tolerance level for pileated woodpecker. Effects of harvest on future snags and downed wood and the effects of snag removal for safety reasons are further discussed in the FEIS Chapter 4.

14-13. DecAID (Mellen et al. 2003) was used to compare both existing conditions and the current direction for snag and down log management to the effects of the alternatives. DecAID suggests that the Forest Plan standard for snag density lies between the 50% to 80% tolerance level for white-headed woodpecker and well below the 50% tolerance level for pileated woodpeckers (see Chapter 3 of the FEIS for more information). However, the Forest Plan and the Regional Foresters Forest Plan Amendment # 2 provides the standards used for snags and downed wood levels needed to provide for 100% potential population levels. The Forest Service would monitor post management snag numbers and may mitigate with snag creation in designated areas. Mitigations and monitoring for snags are described in FEIS chapter 2. Reintroduction of fire in the ecosystem is expected to create a limited number of snags, which should replace those burned. Effects to snags are described in the FEIS chapter 4.

14-14. Snag surveys were conducted in this area as disclosed in Chapter 3 of the FEIS. Only hard snags were inventoried in the size classes above the Regional Foresters Amendment #2 minimum size class (15" dbh) (DEIS page 3-53). The soft snags would be protected where possible. Mitigations to protect snags are in FEIS chapter 2. The effects of snag removal for safety reasons are discussed in the FEIS Chapter 4. Please also see response to 14-13.

14-15. Public safety is the overriding concern for the Forest Service and will not be compromised in high public use areas such as along roads. Snags around landings and roadways pose a threat to human safety and would be

removed. Since there is no intent to harvest snags, the attempt to avoid them as much as possible would be employed.

14-16. This is an unknown at this time. Roadways and potential landing sites have not been inventoried for hazard trees. Under the current firewood cutting policy, snags within 150' of open roads are available to the general public for firewood. While the number of snags to be removed for safety reasons is unknown the expected effects of this removal are discussed in the FEIS Chapter 4.

14-17. See FSM 2520, R-6 Supp. No. 2500.98-, which speaks of "the cumulative detrimental effects from project implementation and restoration." The FEIS, chapter 3 fully describes the existing soil conditions. Briefly, soil quality standards have been met in about 99% of the units according to the sampling.

14-18. Mitigation does not have to be complete. "Soil quality is maintained when soil compaction, displacement, puddling, burning, erosion, loss of organic matter and altered soil moisture regime are maintained within defined standards and guidelines." FSM 2520, R-6 Supp. No. 2500.98-1.

14-19. The effects to soil properties are described in the FEIS chapter 4.

14-20. While it is true that ground based logging potentially causes more incidents of root damage compared to skyline systems, compliance with the soil quality standards and guides will minimize damage to the soils and soil ecosystems (FSM 2520, R-6 Supp. No. 2500.98-1). The standards and guidelines are designed to "manage…lands under ecosystem management principles without permanent impairment of land productivity and to maintain or improve soil and water quality." Refer also to the FEIS chapter 4.

14-21. Existing soil conditions have been assessed by transecting and traversing units (see Soils Existing Conditions, Chap. 3). The largest source of soil erosion is from road construction and road travel. Road closures and decommissioning of selected roads, where erosion is chronic, would reduce erosion. Soil quality standards have been met in about 99% of the units according to the sampling. Soil quality standards would be met by application of design features or mitigation measures. See also FEIS chapter 4.

14-22. The Silvies EIS is not a scientific, professional or technical review of the Belsky paper or any other reference used. We are not required by the National Environmental Policy Act of 1979 to do a scientific, professional or technical review of an article that is referenced.

The Silvies DEIS acknowledges that according to Belsky (1996) there is little scientific information to substantiate the anecdotal reports that suggest that removal of conifers (Judy Hallisey, USFS, pers. comm.) and junipers (Eddleman and Miller, 1992) adjacent to springs can increase spring flows. Belsky though, did not provide any scientific evidence to support her claim that removal of conifers and juniper adjacent to springs does not increase spring flows; she simply stated her opinion.

14-23. This is not a substantive comment because it is not a site-specific issue, concern or question concerning the Silvies DEIS. These paragraphs are a word for word copy of the abstract and article of "Viewpoint: Western juniper expansion: Is it a threat to arid northwestern ecosystems" by A. Joy Belsky published in the January 1996 Journal of Range Management.

14-24. See response to comment 3-5.

Lack of herbaceous cover is not a limiting factor in reestablishing a mosaic of vegetation structure in most of the Silvies Project Area. The limiting factor is the window of opportunity when a light intensity fire can be reintroduced where it will accomplish a mosaic burn objective under current fuel loads.

14-25. Appendix D of the BE/BA and the expanded discussion of lynx in the BE/BA describe lynx habitat and the rationale for determination of effects. This information is summarized in Chapters 3 and 4 of the FEIS. The BE/BA cites several scientific references about the distribution of lynx in Oregon and surrounding states. The BE/BA also states the records of the confirmed lynx findings in Oregon. The U. S. Fish and Wildlife Service, Region 6 and the Malheur National Forest concur on the habitat classifications for lynx illustrated in Appendix D of the BE/BA. As discussed in the BE/BA and Chapter 4 of the FEIS, the Silvies watershed/project area

does not provide enough habitat to sustain a lynx home range. Throughout all versions of lynx habitat analysis, the Silvies Canyon project area was never in an LAU and was never considered to be lynx habitat because of the lack of adequate habitat. In addition, this project area is not within or adjacent to a Malheur LAU or any other LAUs because the Ochoco National Forest does not have LAUs. The closest significant area of possible lynx habitat is located over 22 miles to the north.

As discussed in the BE/BA, many of the lynx records in the contiguous United States, including Oregon, are of transient animals that dispersed during cyclic population increases. Animals that are considered "dispersing" and found in unsuitable habitat are considered lost from the metapopulations; therefore, they are unlikely to survive unless they return to the boreal forest (USF&WS 2000). In all alternatives, should dispersing lynx move through the area, they could use the connectivity corridors left to connect late and old stands, as required by the Forest Plan.

14-26. The BE/BA (Appendix C of the FEIS) thoroughly describe habitat, distribution, status and records of lynx in Oregon, and the effects and determination of the proposed project on lynx and lynx habitat. Please also see the response to comment 14-24.

14-27. See response to comment 14-25.

14-28. The BE/BA clearly defines the difference between confirmed and unconfirmed sightings on pages 8 & 9. A "very good" sighting does not constitute a confirmed sighting. Please refer to literature by Ruggiero 1999 and Verts and Carraway 1998 on lynx sightings in Oregon; these references were cited in BE/BA pages 8-9.

14-29. 14-29. See response to comment 14-25.

14-30. We agree that the majority of natural fires did not occur in the spring but some did. With 50 to 100 years of fire suppression we now have unnatural fuel loading. Until we reduce this unnatural fuel loading, prescribed burning during the time of year when historical fires usually occurred is not possible with the same results as historical fires. If we burned during the time of year when most historical fires occurred we would kill most of the trees in the forest and burn up most of the large woody material. Eventually, after the introduction of prescribed burning and the resulting reduction in fuel loading, when natural fires occur they can be left to burn naturally.

14-31. The purpose and need for action has been updated in the FEIS chapter 1. Sustainability of vegetation was also described in FEIS chapters 3 and 4.

14-32. It is unclear to which 22 habitats Tiedemann, Klemmedson, and Bull were referring. Johnson and Clausnitzer had 18 subalpine fir plant associations (and communities) and 25 Grand fir plant associations (and communities). We have no subalpine fir in this area, and none of the subalpine fir plant association has a ponderosa pine component (Plant Associations of the Blue and Ochoco Mountains by Johnson and Clausnitzer, 1992, Table of contents and pages 25-43, 45-79). Of the 25 Grand Fir plant associations only nine occur on the Emigrant Creek RD, and of these, only five occur in the project area. Of the five plant associations (communities) that occur in the project area, by far the three most common ones are Grand fir/pinegrass plant association (ABGR/CARU), Grand fir/elk sedge plant association (ABGR/CAGE), and Grand fir/heartleaf arnica plant association (ABGR/ARCO). These three often had a seral ponderosa pine overstory that was burned by periodic surface fires (Plant Associations of the Blue and Ochoco Mountains by Johnson and Clausnitzer, 1992, p72, 74, 75).

14-33. Kimmins (1987) states, "Most investigations have concluded that medium to long (80-120 years) rotating harvesting of temperate forests in which only stems are removed poses little threat of site nutrient depletion. It is short rotations combined with intensive biomass utilization that may create problems of reduced soil fertility" (Kimmins. 1987).

"When fire oxidizes organic compounds, elements that form anions (e.g., N, P, and Cl) are lost in much greater quantities than elements such as Ca, K, and Mg, which form cations." "In cooler fires, most of the elemental content of the burned material remains on site." The objective of fuel treatments is to reduce large high intensity wildfires. "In very hot fires with high fire induced winds and a strong convection column, most of the

ash and the nutrients contained therein may be removed from the site" (J.P. Kimmins. 1987. Forest Ecology. Macmillan Publishing Company).

Due to the build up of forest floor residues we now have higher site productivity than historically. Under No Action a stand replacement fire is likely and would move forest site productivity to or below historic levels. By actively managing the sites through thinning and prescribed burning, site productivity would be maintained at or above historic levels.

14-34. There is always a potential to affect the long-term site productivity of this area regardless of whether or not we choose to actively manage it. The potential of having a high intensity wildfire is greater if we choose not to manage the area, and so the potential to adversely affect the long-term site productivity is greater with the no action alternative than the other action alternatives.

14-35. Historically, the project area was maintained within a low-severity fire regime by frequent low intensity fire on a 5-23 year cycle. Prescribed burning is being reintroduced to mimic this process. Effects on wildlife should include enhanced habitat for species that developed in this type of fire regime, but might tend to select against wildlife species that have benefited due to the era of fire suppression and associated changes to habitat because of this fire exclusion. This EIS was prepared, in part, to analyze the effects of a large-scale prescribed burn project on wildlife. See Chapter 4 of the FEIS for that discussion.

14-36. These issues were not raised during scoping; consequently, they were not addressed in the DEIS. These sections in the FEIS have been updated.

14-37. Approximately 15 miles of temporary road were proposed under Alternatives Two and Four, and eight miles under Alternative Five (see DEIS pages 2-40 to 41). This information has been updated in the FEIS chapter 2 to 2.8 miles in Alternative Five, and 3.5 miles under Alternatives Two, Four, Seven and Seven a. No new construction of permanent roads is planned for any activities within the Silvies Watershed. See also response to comment 12-25. Roads would be closed after use and reseeded, reducing the potential for long-term effects to wildlife based on use by humans, fragmentation, and loss of forage (FEIS, Chapter 4).

14-38. Road densities and effects have been categorized by subwatershed and management area (see Table 4-14, DEIS page 4-70). Appendix A, page A-19, discloses roads proposed for closure or decommissioning. The purpose for the closure is stated, but the factors affecting wildlife in most cases are unknown. No data has been collected on the effects of specific roads in the project area.

14-39. The Malheur National Forest Noxious Weed Management EA (Environmental Assessment Noxious Weed Control Malheur National Forest June 26, 2000) has an inventory of the area. This document identifies that the Forest may treat 65 sites in the Silvies Canyon Watershed. An additional 12 sites have been documented and are identified for manual treatment under all of the action alternatives. See FEIS chapter 2.

14-40. Malheur National Forest has a weed treatment strategy, which is identified in the Environmental Assessment Noxious Weed Control Malheur National Forest June 26, 2000. This project's proposals are designed to meet that strategy. See also the FEIS chapter 2 for design criteria and mitigation measures for noxious weeds.

14-41. All were incorporated in the FEIS chapter 2.

It is not feasible to require the pressure washing of every vehicle that goes through the Forest. It is reasonable to include the types of preventative measures identified in the FEIS chapter 2. Even requiring washing of vehicles would not stop the dispersal of noxious weeds already present in the project area.

14-42. Not all trees over 21 inches would be cut. Aspen regenerates mainly by vegetative clonal sprouting. The aspen stems are usually short lived, but most clones in the Great Basin survive hundreds or even thousands of years; one literature source states aspen clones can be as old as 8,000 years (Debyle and Winiur, 1985). Most ponderosa pines in this area are less than 300 years old. We agree that aspen can co-exist with conifers, but due to past fire exclusion practices, increases in ungulate foraging, and the lack of recognition of the importance and the decline of this key component of the ecosystem, our aspens stands tend to be in poor shape. In this watershed there are probably between 100 and 200 aspen clones (not individual aspen stems) while the number

of ponderosa pine trees number in the hundreds of thousands. Some of these aspen clones only have a couple of live trees. Each year we probably lose several clones. Historically, fire would regenerate these clones, but most of the clones that burned in the recent (last 10 years) high intensity large fires have been lost.

14-43. This has been changed in the FEIS. No commercial harvest is proposed in RHCAs.

14-44. Tables 4-13, 4-14, and 4-16 (DEIS) display the conditions for cover, roads, and habitat effectiveness index. The data in these tables has been updated in the FEIS (Chapter 4). The description of the existing condition of cover has been expanded in the FEIS (see Chapter 3, Cover). As further explained in Chapter 3, "four conditions/actions have determined the extent of existing canopy cover in the Silvies Canyon project area: natural conditions (low site potential and past fire history), past harvest, recent growth of trees in formerly non-forested areas, and increased stocking and changes in tree species composition due to past treatment or lack of treatment." Roads were historically constructed for logging systems. The proposals are to reduce the road systems to move toward or comply with forest standards. Effects to big game habitat are explained in FEIS, chapter 4.

Lori,

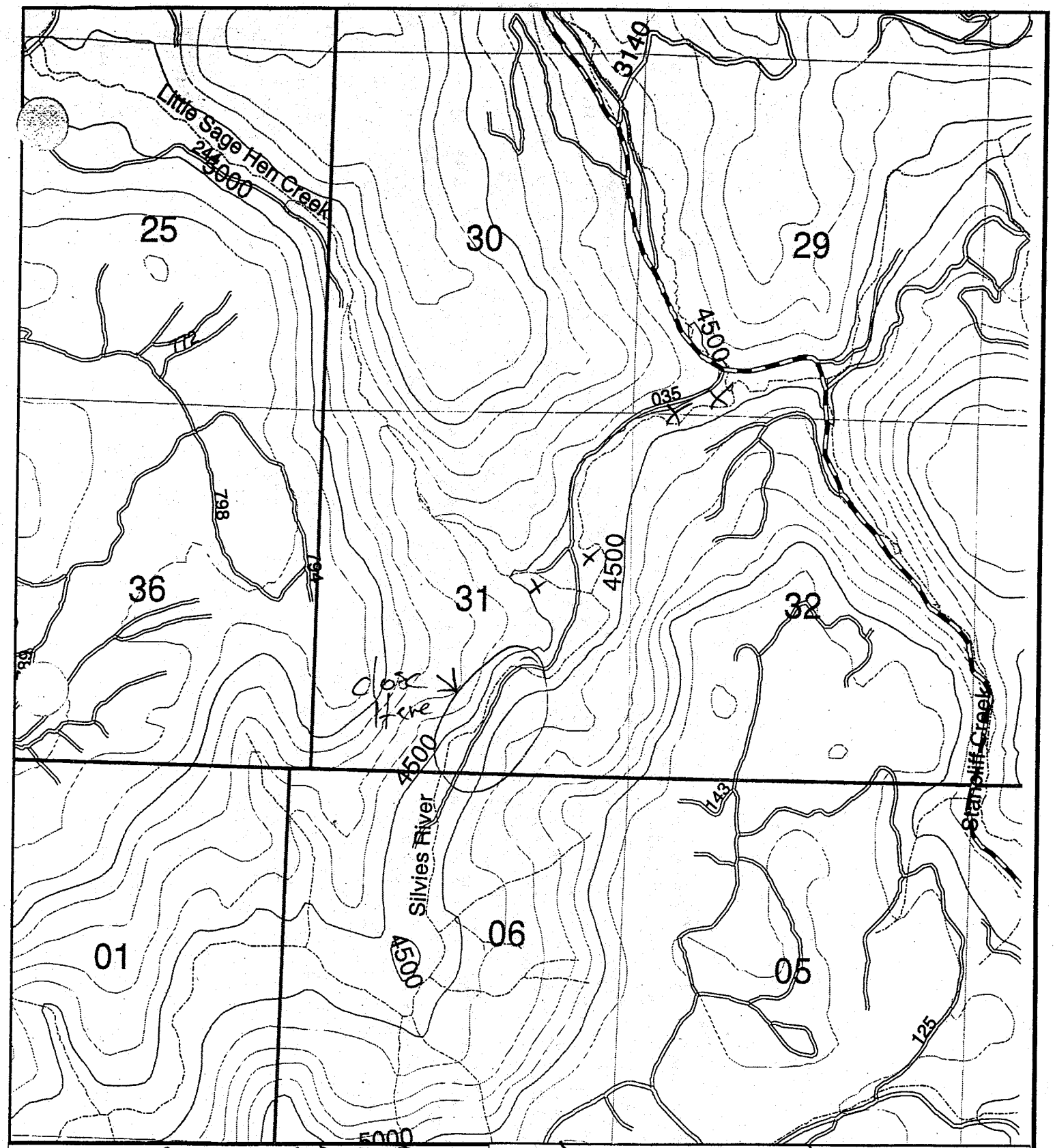
7-24-01

15

I heard that the Silies Canyon EIS/EA will be closing FS Road 3100-035. As a private citizen I have a concern with this closure. My family uses some of the dispersed camp sites along that road. Also I know that a few hunters camp there as well. As a FS employee I have volunteer groups camp at these sites. also. On the MAP on the back of this sheet I have Identified where the camp sites are. I Also Identified one potential closure area. 15-1

Thanks for the opportunity to participate

Howard Richberg



Pileated Woodpecker Surveys In Designated Old Growth Stands

2001 Survey Year

Emigrant RD, Malheur NF

D-79

1:24000

1320 0 1320 2640 3960 Feet

X = Dispersed camp sites, used every year

Legend

N

- 100 Foot Contour Lines
- 500 Foot Contour Line
- Arterial Roads
- Collector Roads
- Local Roads
- Old Growth
- Ranger District Boundary
- Section
- Streams
- Township/Range

/go/bu/wildlife/richburg/pileatedsurvey2001.apr

15-1. Forest Road 3100035 was closed under the Forest Plan at the first river crossing and then breached. In 2001 the road was closed again. This portion of the road that was previously closed is within the Myrtle-Silvies Roadless Area. The Preferred Alternative proposes to decommission that portion of the road previously closed.

The No Action Alternative, Proposed Action, Preferred Alternative and Alternatives Five, Six, and Seven-A propose to leave the road open to the first river crossing. Alternatives Three and Four propose to close the entire length of the 3100035 road.

As per 40 CFR 1502.14(a) an agency shall rigorously explore and objectively evaluate all reasonable alternatives. (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

The effects of the proposed activities for each alternative are found in Chapter 4 of the FEIS.

Tom Conner EPA

no cumulative effects from what's an HM? Cattle grazing

Concerned about how we are going to keep ATV's off of road closures.

→ monitoring closures for effectiveness, also near streams or sediment levels can be done visually

FEIS - What the ecosystem as a whole would look like at HRV What would HRV look like

Cottonwood - 2 sites Concerned about them

Exactly what activities are we doing in an EA/CA & how it brings us towards HRV

Concerned about the "Fuel breaks"

TO: Lori

☐ YOU WERE CALLED BY— ☐ YOU WERE VISITED BY—

Tom Conner

OF (Organization) EPA

☐ PLEASE PHONE ▶ (Enter area code, if necessary) ☐ DSN

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

Faxing Comments

RECEIVED BY | DATE | TIME

NSN 7540-00-634-4018
50363-111
UNICOR FPI-SST

OPTIONAL FORM 363 (Rev. 7-94)
General Services Administration

D-81

Comments from Tom Conner, EPA (from phone conversation with Lori Bailey).

16-1 The DEIS had no cumulative effects from grazing.

16-2 What's an HM?

16-3 Expressed concern about how we will keep ATVs off of closed roads.

16-4 Wanted to know how we will monitor road closures for effectiveness.

16-5 Wondered how we will monitor sediment levels near streams.

16-6 Wanted to know what the ecosystem as a whole would look like at HRV; what would HRV look like?

16-7 Expressed concern about the two cottonwood sites.

16-8 Wanted to know what activities would be done in RHCAs and how they bring us toward HRV.

16-9 Expressed concern about the fuel breaks.

16-1. A more thorough discussion on cumulative effects of grazing is in the FEIS chapter 4.

16-2. Thank you for this question on clarification. HM = (head-month) the land-use of any livestock over six months of age for one month. The FEIS will use AM (animal-month), which has the same meaning, but is more commonly used.

16-3. The Forest Service budget does not allow for a daily patrol of the forest. Breaches that are reported are investigated. The Law Enforcement Officers encourage anyone seeing vehicles that breach closures to report the license plate numbers. The DEIS (page 4-3) discloses how roads are maintained after closure, decommissioning, and seasonal closures. See also the FEIS chapters 2, 3, and 4.

16-4. Monitoring of roads is reported annually. The DEIS (page 2-39) states, "Roads that have been closed or decommissioned would be monitored over a five-year period to inspect the effectiveness of the closure or decommissioning and hydrologic function of the remaining roadway. If monitoring determines the closure or decommissioning is not effective, it would be corrected to meet objectives." This discussion has been updated in the FEIS.

16-5. Sediment levels in streams would be monitored through repeated Level II stream surveys with Wolmen pebble counts and bank stability ratings. This usually occurs on a five-year cycle. McNeil sampling methods are currently being developed at the Forest level for sediment surveys across the forest. Proper Functioning Condition ratings, the Silvies Canyon Watershed Analysis and the Silvies Road Analysis also provide data on sediment sources that assist with treatment through this project. Refer also to the FEIS monitoring section in chapter 2.

16-6. Historic forested vegetation conditions were described in the DEIS pages 3-16 through 3-30 and in Chapter 4. Briefly, the forest would be a lot more open due to fewer trees per acre. There would be more western larch and aspen and less Douglas-fir, white fir and juniper. The stands would have a higher percentage of ponderosa pine than presently. There would be more grasses, forbs, and shrubs in the understory, creating a more diverse and complex forest. Throughout the watershed the trees would be much larger.

16-7. We are concerned about these sites too. Both sites are to be protected from management activities (DEIS pages 2-26, 3-20, 4-16, 4-36, and 4-38). See also the FEIS chapters 2, 3, and 4.

16-8. The project proposes to restore about 147 acres of aspen stands in the RHCAs. Removing conifer and juniper trees would mimic disturbances that previously occurred by fire. This type of restoration would move aspen stands towards their HRV.

About one acre of cottonwood stands would be treated at two known sites within the RHCAs. Treating and protecting these sites would protect this important part of the ecosystem.

No harvest or harvest related activities would occur in RHCAs. This includes the use of landings and skidding logs across streams.

Between nine and 17 miles of road would be treated within the RHCAs. This includes 2-12 miles of decommissioned roads, and 5-11 miles of closed roads, depending on the alternative selected. Treating these roads would reduce sediment input into streams and restore the natural function of the floodplain.

Landscape scale fuels treatment activities would occur in 12 different burn blocks, including portions of 2869 acres located within RHCAs. Ignitions would not occur in the RHCAs, but low intensity ground fire would be allowed to creep into RHCAs in a mosaic pattern; therefore, the actual acres burned would be significantly less than 2869 acres in RHCAs identified through the burn blocks. This type of fire would mimic natural fires that historically occurred in riparian areas and would move these areas towards HRV.

About five noxious weed sites have been identified in RHCAs and would be treated by hand pulling. Eliminating weeds would allow native species to repopulate these sites and move them toward HRV.

16-9. The DEIS (pgs. 4-8 to 4-10) states “Currently the Myrtle Canyon portion of the roadless area is at very high risk of a high intensity wildfire and protecting it from such a fire would be almost impossible within the steep canyon. Access within the canyon is limited. A stand replacement fire could drastically affect the natural integrity of the roadless area, and wildlife and fish habitat…there would be indirect burning in Myrtle Creek and West Myrtle Creek portions of the Myrtle-Silvies Roadless Area. Indirect burning would occur by allowing fire to back down, off the rim into Myrtle and West Myrtle Creek canyons. This indirect burning would occur in the late fall to create a fire line for the burning of fuel blocks 2, 5, and 10. Due to late fall conditions, this creeping-smoldering type fire should not creep far from the rim. By burning fuel blocks 2, 3, 4, 5, and 10, a fuel break would be formed around the Myrtle Creek portion of the roadless area.” What this is referring to is that treating the fuels in fuel blocks 2, 3, 4, 5, and 10, which surround the Myrtle-Silvies Roadless Area, would essentially create an area with lower fuels (fuel break). This section in the FEIS has been updated.

17

Malheur National Forest
Emigrant Creek Ranger District

Memo

To: Silvies Canyon Watershed Restoration Files

From: Lori Bailey

CC:

Date: 2/28/2002

Re: Comments on Draft EIS

The Silvies Canyon Watershed Restoration Draft EIS was released to the public in March 2001. The public comment period was from March 9 to April 23, 2001. I spoke with Mike Clark (a permitte within the watershed) during the comment period. He had concerns about the proposed spring restoration activities. His main concerns were how our activities would impact his permit. For instance, proposed spring restoration activities include fencing the spring area. He had a hard time figuring out which springs proposed for restoration were within his allotment. I asked him if he wanted a better map, he said no. I told him we would try to make this easier to understand in the FEIS.

Mr. Clark also had some concerns about fuel blocks and how they were aligned with his allotment. I asked him if he wanted a map with fuel blocks and allotments, he said yes. I had GIS make the map and gave it to Jim Walker who delivered it to Mr. Clark at a meeting they had scheduled. 17-1

I confirmed with Zelley Mr. Clarks allotments and associated pastures:

- Rainbow Allotment
  - Squaw Flat pasture
  - West Myrtle Creek pasture
- West Myrtle Allotment
  - Cooley pasture

D-85

17-1. Design criteria and mitigation measures were listed on pages 2-37 and 38, and effects were evaluated on pages 4-49 through 52 of the DEIS. All fuels activities would be coordinated with permittees through the District Range Specialist. See also the FEIS chapter 2 design criteria and mitigation measures.

FOREST CONSERVATION COUNCIL

James Keniston, District Ranger
Burns Ranger District
Malhuer National Forest
HC 74 - Box 12870
Hines, OR 97738

April 17, 2001

RE: Comments on the Silvies Canyon Watershed Restoration Timber Sale E.I.S.

Dear Mr. Kensiton,

Forest Conservation Council and the National Forest Protection Alliance are tax exempt, public interest organizations with individual and business members throughout the United States. We are concerned with the adverse economic effects of the national forest logging program, and the Forest Service's failure to quantify such effects at the project level or for the program as a whole. The logging program increases costs of water purification and filtration, decreases the value of private timberlands, unfairly competes against alternative fiber and building material businesses, increases wildfire risk, increases repair and maintenance costs for highways and public roads, and decreases the number of jobs in recreation, tourism, fisheries, and alternative forest products.

Our organizations generally support the genuine restoration objectives of the Silvies Canyon Watershed Restoration Timber Sale E.I.S. including prescribed burning, road closures and maintenance, campsite closures, and wildlife travel corridor designation. However, the commercial harvest of timber renders that project overall unsupportable and erodes the public's faith in the Forest Service and its restoration efforts. It is unfortunate that the Forest Service cannot decouple commercial timber harvest activities from genuine restoration activities and until it does so, the goals of the Silvies Canyon Watershed Restoration Timber Sale project will remain dubious at best.

The Silvies Canyon Watershed Restoration Timber Sale will jeopardize the viability of species that thrive in naturally disturbed forests, intervene in natural disturbance processes that are vital to ecosystem sustainability, and degrade water quality and watershed condition. The analysis on which the Forest has relied is inadequate, flawed

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Linden, Virginia 22642
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D-87

and biased in a number of ways, rendering any potential decision arbitrary and capricious.

Further, The Forest Service has failed to analyze an adequate range of alternatives. Given the insignificant contribution of wood fiber to America's consumption requirements from national forest lands, the vast economic contribution of non-timber related jobs and income, and the growing body of scientific knowledge recognizing the ecological and economic advantages of non-commercial restoration, the agency has no excuse for not analyzing a non-commercial, restoration only alternative. The no-action alternative is not a no-harvest, restoration only alternative. We request that such an alternative be developed and analyzed in the final E.I.S. and that all costs and benefits, both monetary and non-monetary, of such an alternative be disclosed. Until, such action is taken, this NEPA analysis is considered incomplete. Our concerns with the Silvies Canyon Watershed Restoration Timber Sale include: 18-1

1. Socioeconomic Benefits

USFS timber sales are the end result of inter-related planning decisions and analyses made at the national, forest, and project level. 36 C.F.R. § 219.4. At the national level, the Forest Service prepares the Renewable Resources Program (RPA), which determines output levels for all national forest resources based upon a comprehensive environmental and economic assessment of present and anticipated demands for and supply of renewable resources from forests in all ownership. At the forest level, the Forest Service has prepared the Deschutes National Forest Land and Resource Management Plan ("LRMP"), which is an "extension" of the RPA Program and which identifies lands that are suitable for timber sales, the amount of timber to be offered each year, and under what conditions timber sales will be offered. At the project level, the Forest Service makes decisions about the specific configuration of individual timber sales, including Silvies Canyon Watershed Restoration Timber Sale. At each level, the Forest Service must engage in environmental and economic analyses of its decisions as required by the National Environmental Policy Act.

The Forest Service is required by law to manage national forest system lands and programs to maximize social and economic benefits for the American people. As with other projects planned on the National Forests of Oregon and throughout Region 6, the Forest Service has failed to complete an economic analysis of the Silvies Canyon Watershed Restoration Timber Sale that provides the public with a full and fair accounting of net economic benefits. Instead, the economic analysis is limited to net costs incurred by the Forest Service and project administrators for county receipts as well as sale preparation and administration costs. 18-2

The E.I.S. and project record fail to place any economic value on existing uses and functions of the sale area, including recreation, flood control, pest control, carbon sequestering, and many other "ecosystem services." In addition, the economic analysis

fails to consider a wide range of costs that will be incurred by the public through loss of these "ecosystem services" and other externalized costs such as increased flooding, increased risk of death, injury, and property damage from logging operations, and increased fire risk.[1]

18-2

Forest Conservation Council has raised these economic issues in the context of numerous appeals in Region 6. We incorporate, by reference, these appeals for a more complete description of our issues on this subject.

2. Value of Unlogged Forest

18-3

The dollar value of undisturbed forest or standing timber should have been calculated and used in the analysis of economic costs associated with the Silvies Canyon Watershed Restoration Timber Sale. The value of "ecosystem services" provided by standing forests has never been evaluated and compared with their value as lumber. Economic benefits of standing forests include but are not limited to clean air and water, balance of global geochemical cycles, and buffering of carbon emissions resulting from the burning of fossil fuels. It has been shown that the rate of carbon lost to that of accumulation is much greater during harvest, and there is a net transfer of carbon from biomass to atmospheric CO_2. Further, the carbon stored in forest regrowth is less than that in the original forest biomass.

3. Range of Alternatives

A non-commercial restoration alternative for the Silvies Canyon Watershed Restoration Timber Sale should have been analyzed. The E.I.S. dismisses our original request in scoping that such an alternative be considered on the vague assertion that the agency has "discretion." This is a weak and indefensible position and could be considered a classic case of abuse of discretion. The no-harvest, restoration alternative is clearly reasonable and should have been analyzed. We contend that:

18-4

(1) all restoration objectives can be met without conducting a commercial timber sale;

(2) a commercial timber sale can only exacerbate current problems, no commercial timber sale will eliminate these problems, and;

(3) the Forest Service cannot exclude a non-commercial alternative merely because existing funding structure would make it difficult.

[1] The E.I.S. fails to examine how both increased access and increased slash in the short term will create a window of time where fire risk will be increased above what currently exists now.

18-5

4. Species Viability

The Silvies Canyon Watershed Restoration Timber Sale includes commercial harvest, ground-disturbing activities associated with timber harvest and other vegetative manipulation. These activities are likely to jeopardize the viability of species that find optimal habitat in forests with well-developed structures, and forests naturally disturbed by fire, disease and insect pathogens. These include threatened, endangered, and sensitive species, as well as management indicator species including but not limited to the American marten, northern goshawk, pileated woodpecker, flammulated owl, black-backed woodpecker, Canada lynx, as well as Neotropical migratory birds.

For many of these species the Forest Service has no up-to-date population data describing population numbers, locations, and trends, nor monitoring data on which the agency can rely to determine that the actions proposed in the context of Silvies Canyon Watershed Restoration Timber Sale will maintain numbers and distribution of these species sufficient for insuring long term viability. Nor has the Forest Service determined the "minimum number" of reproductive individuals that would constitute a viable population. The Forest Service is required by law to determine this minimum number of reproductive individuals before implementing activities that might impact those individuals or populations such as are planned in the Silvies Canyon Watershed Restoration Timber Sale. The Forest Service cannot permit these activities without knowing the location and number of individuals of these species that would enable determination of whether habitat for each vertebrate is well-distributed to facilitate interaction. Until such information is provided the Forest Service cannot know whether it is providing sufficient habitat to support the minimum number of reproductive individuals nor that the habitat is distributed in such a manner as to permit interaction.

18-6

Because the Forest Service has no such data for most species adversely affected by the proposed management activities, and because what data there is suggests that such species are declining and otherwise at risk, the Forest Service runs afoul of viability and diversity requirements set forth in forest planning regulations 36 C.F.R. § 219.19 and § 219.26. In addition, the any decision made on the Silvies Canyon Watershed Restoration Timber Sale and associated activities without the above-described information would be considered arbitrary and capricious and constitute agency action unlawfully withheld or unreasonably delayed in violation of the APA. (5 USC §§ 706[1] & 706[2]).

D-90

Please address these issues in your final environmental impact statement. Thank you for your time and consideration.

Sincerely,

Bryan Bird

Forest Conservation Council
Southeastern Regional Office
Member, NFPA Board of Directors

18-1. The DEIS analyzed three alternatives including the No Action alternative that proposed no commercial harvest activities. The FEIS analyzes eight alternatives, including three (Alternatives One – No Action, Three and Six) that propose no commercial harvest or commercial post and pole sales. Alternatives Three and Six propose restoration activities, including road closures, spring, cottonwood, and aspen restoration, noxious weed treatment, and fuels treatments. Effects of these alternatives as well as the other five are analyzed for effects to all resources and areas of concern, including socio-economics.

18-2. Forest plans establish goals and objectives identifying the mix of activities and uses that maximizes net public benefits. The determination of net benefits includes assessment of market and non-market resource uses and values both quantitatively and qualitatively. This analysis is done at the forest planning scale, where the mix of activities across a large landscape can be assessed and measured. Forest plans include standards and guidelines intended to prevent or mitigate adverse effects to both the socioeconomic and physical environments. These standards and guidelines are requirements for subsequent projects. The Malheur Land and Resource Management Plan FEIS (1990), as amended by the Regional Forester (1995) is the applicable forest plan.

Project-level environmental analysis is used to assure that projects are consistent with forest plan goals, objectives, and standards and guidelines, as well as to disclose environmental effects and assure informed decisionmaking. Economic analysis is used in project planning when needed to assess the costs and benefits of different alternatives. Such an analysis is provided in the FEIS chapters 3 and 4 and the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).. However, in the absence of new information, decisions made at the forest plan level, including the mix of activities found to maximize net public benefits, are not reconsidered. Your letter does not identify any specific adverse economic effects directly associated with this project. In this situation, therefore, reconsideration of forest plan decisions at the project level is inappropriate.

18-3. See response to comment 18-2.

18-4. See response to comment 18-1.

18-5. The DEIS page 4-44 states that “Timber harvesting would have little affect on slash levels, as the trees would be whole tree yarded to landings.” “Precommercial thinning would have a short term negative effect of increasing slash levels. An estimated 30 to 50 tons per acre of slash would be created after precommercial thinning. This slash would be either hand piled or grapple piled the same field season or the following field season. Burning of piles would take place no later than the second field season after piling.” See also the FEIS chapter 4.

18-6. See response to comment 12-28. Effects to proposed, endangered, threatened, and sensitive (PETS) species, Management Indicator Species (MIS) and other species of concern, including neotropical migratory birds, have been analyzed and are disclosed in the FEIS, chapter 4 and the BE/BA (Appendix C). In addition, the Malheur Forest Plan, as amended, was designed to meet the requirements of maintaining viable populations (219.19), and diversity (219.26). Since the Silvies project was designed to meet the Forest Plan standards, as amended, for connectivity, the project itself meets these requirements.

Public Comments

&

Responses

On

Supplemental Draft EIS

Burns Paiute Tribe
NATURAL RESOURCE PROGRAMS
HC-71 100 PASIGO STREET
BURNS, OREGON 97720
PHONE (541) 573-2421
FAX (541) 573-2422

11/6/01

Joan Suther
IDT Leader
Emigrant Creek Ranger District
HC 71, 12870
Hines, OR 97738

Ms. Suther:

I was pleased to see that information about the Burns Paiute Tribe was included in the Silvies Canyon Watershed Restoration Project Supplemental Draft EIS. I have a few comments regarding the supplement:

Page 1-2, "Socio-economics is the only area identified for re-examination". I would think that both the socio-economic and cultural discussion would be re-examined. | I-1

Page 2-2, If the Malheur Forest decides to pursue the designation of the Myrtle-Silvies Roadless Area as wilderness, I would recommend that forest personnel make every effort to make contact with the Burns Paiute Tribe. A wilderness designation may effect how the Tribe accesses and uses this area. | I-2

Page 2-11, The Burns Paiute Tribe has also obtained a ranch near Juntura. | I-3

Page 2-13, Off road vehicle use may also be in conflict with cultural uses of the area. | I-4

Page 2-14, You should use the specific tribal name instead of the generic "American Indians". Not all American Indians lived in this area. | I-5

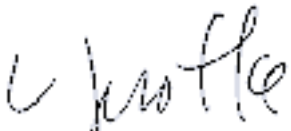
Page 3-2, Recreational uses of the area also includes gathering. | I-6

Page 3-8, The Malheur Forest needs to coordinate with the Burns Paiute Tribe when a prescribed burn occurs in case tribal members are using the Silvies area for gathering or other purposes. | I-7

D-94

Please feel free to call or write me for additional information. Tribal members enjoyed the field trip and meeting your staff.

Sincerely,



Linda Jierofke
Burns Paiute Cultural Consultant
541-962-0434
ljierofke@coni.com

D-95

1-1. The statement referred to on page 1-2 was describing the scope of the reanalysis and that not all items discussed in the DEIS would be reevaluated. Culture is part of the socio-economics discussion. Paiute tribal culture and needs were discussed in the SDEIS pages 2-3 thru 2-5, 2-8, 2-9, 2-11, 2-14, 2-16, 3-3 thru 3-7, and 3-14. See also the FEIS chapters 3 and 4 and the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

1-2. No further wilderness study is planned at this time. Inventories to consider areas that might be eligible for wilderness designation are done as part of Forest Plan revision. The Malheur Forest Plan revision process is due to start in fiscal year 2004. The current criteria used for these areas are found in Forest Service Handbook 1909.12 – Land and Resource Management Planning Handbook, Chapter 7. If the Malheur National Forest does further wilderness reevaluation of the Myrtle-Silvies Roadless Area, the Burns Paiute Tribe would be involved.

1-3. Thank you for your comment, it has been incorporated into the EIS and is now part of the administrative record for this project.

1-4. Thank you for your comment, it has been incorporated into the EIS and is now part of the administrative record for this project.

1-5. In the DEIS, the term "Native American" was used so as not to exclude the probable use and claims of use of the project area by other American Indians. This has been updated in the FEIS. Refer to the FEIS chapters 3 and 4 and the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

1-6. Thank you for your comment; this will be included in the FEIS.

1-7. Thank you for your comment, the Malheur National Forest will coordinate with the Burns Paiute Tribe when prescribe burning.

Malheur Lumber Company
P.O. Box 160 • John Day, Oregon 97845
(541) 575-2054 FAX 575-2057

December 12, 2001

James M. Keniston, District Ranger
Emigrant Ranger Dist.
HC 74 Box 12870
Hines, OR 97738

Dear Mr. Keniston,

Thank you for the opportunity to comment on the Silvies Supplemental Draft Environmental Impact Statement. I believe that this document does a very good job of illustrating the need for timber to support the local economy. Due to this need, and the fact that timber is in short supply, the preferred alternative should be chosen and implemented in calendar year 2002. 2-1

Sincerely,

Steven J. Courtney, CF
Operations Forester

D-97

2-1. Thank you for your comment, it has been incorporated into the EIS and is now part of the administrative record for this project.

MALHEUR

Timber Operators, Inc.

P.O. Box 928 • John Day, OR 97845 • (541) 575-2711 • FAX (541) 575-2808

3

December 17, 2001

James M. Keniston
Emigrant Creek Ranger District
HC-74 Box 12870
Hines, OR 97738

RE: Silvies Canyon SDEIS

Dear Mr. Keniston:

Malheur Timber Operators, Inc. and KLE Enterprises, Inc. offer the following comments concerning the Silvies Canyon SDEIS prior to the end of the comment period on December 31, 2001.

Please reference our first comment under "In a general way..." on page 2 of our April 2, 2001 DEIS input letter. Our original input to this project was on December 31, 1999. A major concern about the Silvies DEIS is the long period of time it is taking to complete the project and the financial impact these delays have caused. This project exemplifies the recent statements by Chief Bosworth where he states that we are in a state of "paralysis by analysis" and that "in most projects the first 30 to 35% of the information gathered is adequate to support a sound resource decision". 31

We recommend that the project be expeditiously moved forward utilizing the description of the Preferred Alternative disclosed on DEIS page 2-30. Even though we are not in agreement with the silvicultural prescriptions and the management access restrictions resulting from road decommissioning and closures, it is imperative that this project move forward and that the timber sales be offered in FY 02.

Please keep us informed of any additional opportunities to comment on this EIS. Contact Malheur Timber Operators, Inc. at the letter head address, and KLE Enterprises, Inc. at Box 653 John Day, OR 97845, phone 575-0447.

Sincerely,

Malheur Timber Operators, Inc.

Ken Evans

Ken Evans CF
Forester

cc:
bonnie wood
roger williams

D-99

3-1. We regret the time it is taking to complete the Silvies EIS. However, the legally required analysis process is lengthy. On the average it has been estimated that the EIS process requires 27 months to complete, barring significant unforeseen delays. We have had a couple of delays including the need to develop and release a supplement to the DEIS as well as some administrative delays beyond our control.

Ochoco Lumber Company
Manufacturers of Ponderosa Pine
P.O. Box 668 • Prineville, Oregon 97754
(541) 447-6296

December 18,2001

Mr. James M. Keniston
District Ranger
Burns Ranger District
HG74 Box 12870
Hines, OR 97738

RE: Silvies Canyon Watershed Restoration Project

Dear Mr. Keniston:

I am writing to comment on the Silvies Canyon Watershed Restoration project SDEIS. The Socio-Economic impact of this project is very important to the counties of Grant and Harney. As you work toward a management strategy for this watershed, you need to be particularly aware of the Socio-Economic impact that your decisions have on the well being of the communities, both in the public and private sectors. The overall management decisions can find a balance and still result in a healthy ecosystem. Many things are interdependent but can be addressed and work out in your decision making process. 4-1

Public concerns and issues involving recreation, wildlife, timber, range, water, roadless, tribal, ect. need to be evaluated along with the Socio-Economic impacts. However, the real economic base of both Grant and Harney County evolves around the timber and ranching industries and supplemented by seasonal recreational activities. Unemployment is very high compared to the rest of Oregon and the rest of the nation. Counties can't take another major detrimental blow. You need to analyze carefully the effects of your decision on the economic issues. Your management scenario needs to be responsive to the diversity of these communities that are dependent on forest and rangeland resources for their livelihood.

Commercial timber harvest is needed to improve the health of the forest while at the same time, stimulating the economy. You don't need to over do the environmental restrictions and put undo higher costs on your projects. The driving force behind any vegetative restoration projects must include watershed enhancement but again, don't go overboard. Any enhancement project should be looked at as a long-term investment. Many project activities may have short-term drawbacks, but the long-term benefits will outweigh the short-term negative implications.

As you have mentioned, some people advocate a "hands off" or "natural regulation" approach to management of national forests. The underlying principle behind this approach is a belief that nature will correct forest imbalances without need of human intervention. Don't get caught up in this thinking. Step up and make good sound active management decisions. Nature does also correct forest imbalances when management interventions are implemented. Be pro-active not passive in your management plan's. New high-tech ground based equipment is available to accomplish commodity production from public lands without detrimental effects on the environment. You don't always have to use an expensive helicopter system or other expensive systems that take away the overall economic base of a project. Think economics in conjunction with environmental protection while planning your project activities.

You need to revamp your propose alternative 2 to have a more favorable Socio-Economic result, or adopt alternative 4 as your proposed action alternative. Also, you need to listen more from people in your local communities and implement more of their feelings about these alternatives when making your decisions. 4-2

Please consider this input as you derive at your management alternative for the Silvies Canyon Watershed Restoration project. Please keep us informed on how this project is progressing.

Sincerely,
OCHOCO LUMBER COMPANY

John Morgan

John Morgan
Resource Manager

D-102

4-1. Thank you for your comment, it has been incorporated into the EIS and is now part of the administrative record for this project.

4-2. Alternative 2 is the proposed action as was used to solicit comments from the public. In the DEIS, the Preferred Alternative was the vegetation treatments from Alternative 4 and the road treatments from Alternative 10. In the FEIS, the Preferred Alternative is Alternative 7. Regulations specify an agency to "identify the agency's preferred alternative or alternatives, if one or more exists, in a draft statement and identify such alternative in the final statement" (40 CFR 1502.14(e)) (DEIS page 2-30).

5

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P.O. Box 22488
Santa Fe, NM 87502
505.466.2459

James Keniston, District Ranger
Burns Ranger Districts
Malhuer National Forest
HC-74, Box 12870
Hines, OR 97738

December 18, 2001

RE: Comments on the Silvies Canyon Watershed Restoration Project ("Silvies Canyon Timber Sale") Supplemental DEIS.

Dear Mr. Keniston,

Forest Conservation Council and the National Forest Protection Alliance are tax exempt, public interest organizations with individual and business members throughout the United States. We are concerned with the adverse economic effects of the national forest logging program, and the Forest Service's failure to quantify such effects at the project level or for the program as a whole. The logging program increases costs of water purification and filtration, decreases the value of private timberlands, unfairly competes against alternative fiber and building material businesses, increases wildfire risk, increases repair and maintenance costs for highways and public roads, and decreases the number of jobs in recreation, tourism, fisheries, and alternative forest products.

FCC previously commented on the Silvies Canyon Timber Sale DEIS when if was first published. Our comments are dated April 17, 2001 and should be on file in the Silvies Canyon Project Record. Many of our concerns remain the same and we request that you refer to that document for further detail. Our organization and its membership would like to emphasize our disapproval of any mechanical treatments in the Myrtle-Silvies Roadless Area. In addition, we have grave concerns that the USFS has not met the letter and intent of the laws and direction governing NEPA. In particular, the DEIS seems to have ignored forest ecosystem science especially pertaining to dry western forest types. 5-1 5-2

The Silvies Canyon Timber Sale E.A. is woefully inadequate and does not even begin to meet the requirements of NEPA.[1] 5-3

[1] 40 CFR 1500.1(b)

D-104

"[I]nsure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. ***The information must be of high quality.*** Accurate scientific analysis, expert agency comments and public scrutiny are essential": 40 CFR 1500.1(b).

The analysis on which the Forest has relied is inadequate, flawed and biased in a number of ways, rendering any potential decision arbitrary and capricious. 5 U.S.C. § 706. Very little substantive, site-specific information is offered anywhere in the DEIS. The Silvies Canyon Timber Sale E.A. is mostly a qualitative narrative of the Forest Service's predicted and conjectural environmental consequences. | 5-4

The proposed actions are not supported by any scientific body of knowledge an in fact; many of the predicted impacts are contrary to the best available science. The Forest Service is required by NEPA to provide scientific support for its assumptions and predictions. The best available science supports a very different scenario for restoration and recovery of the Silvies Canyon Project Area. The U.S. Forest Service must rely on this science and not on its professional opinion. Several conclusions can be made based on the best available science:

- Stand replacing fires are a natural occurrence to which the forest is adapted with the exception of some lower elevation forest types. (Beschta, et. al., 1995; Interior Columbia Basin EIS, 2000). | 5-5
- Even ponderosa pine forests have been found to have originated in stand replacing fire events. (Arno et al. 1995) | 5-6
- Drought and other climatic factors are the primary causes of large-scale fires, which occur regardless of fuel conditions. (Schmoldt, Daniel L. et. al., PNW-GTR-455, USFS, 1999). | 5-7
- Fire suppression, logging, and grazing are the primary causes of unnatural fuel conditions. (Beschta, et. al., 1995; McIver and Starr, PNW-GTR-486, 2000; Schmoldt, Daniel L. , et. al., PNW-GTR-455, USFS, 1999). | 5-8

Until this information is incorporated into the E.A. the document cannot meet the standards of NEPA or the directives found in the Forest Service Manual and Handbook.

FCC generally supports the genuine restoration goals of the Silvies Canyon Timber Sale. We challenge however, uncategorically, the USFS contention that commercial timber harvest can achieve the desired restoration goals, especially of wildlife habitats, in a manner that maximizes environmental and economic benefits to costs. We contend the opposite: that a timber sale and all of its associated activities can only exacerbate the problems and results in more costs economically and ecologically than benefits. Prescribed fire alone in most cases would meet the purpose and need in the most cost efficient manner. The Sand Ecosystem Blind Review conducted on the Wenatchee National Forest supports this position. It is unfortunate that the Forest Service cannot | 5-9

decouple commercial timber harvest activities from genuine restoration activities and until it does so, the goals of the Silvies Canyon Timber Sale project will remain dubious at best.

As FCC stated in its original comments, many of the existence values, market and non-market of unharvested forests are ignored in the supplemental DEIS and further, none of the costs of logging (particularly externalized, e.g. downstream sedimentation) have been calculated and incorporated into the SDEIS. The SDEIS is mostly conjectural and incorporates no standard methods of contemporary natural resource economics. See Talberth and Moskowitz (1999) *The Economic Case Against National Forest Logging* and on file with Regional Forester (hereby incorporated in its entirety as if repeated verbatim). The U.S. public as a whole enjoys many of these non-timber contributions, such as carbon sequestering and biological diversity, which provide benefits on a local and global basis. 5-10

For example, not one of the alternatives accounts for "base and secondary" jobs related to recreation or hunting and fishing in the project area or the potential impacts on these jobs from logging activities, short or long term. The figures in Chapter 3 of the SDEIS simply give each the alternatives a zero for jobs in recreation. All Ranger Districts track Recreation Visitor Days and the Washington Office has developed region-specific values associated with every category of RVD. Thus, it is a simple exercise to take the number of RVDs on a Ranger District, multiply that number by the associated dollar values and then divide by the District's acreage to arrive at a per acre dollar value associated with each recreation category. The SDEIS failed to include even this elementary degree of analysis. 5-11

Regarding roadless areas, the Wilderness Society has calculated that every 10,000 acres of roadless lands in the West results in 11,000 recreation visitor days annually valued at $462,000 and supports at least six jobs with a total value per acre to be $22.[2] Thus the No Action alternative should have at very least accounted for these jobs and associated income. 5-12

Further, recent research has shown that historical economic performance of rural counties is positively correlated with amount of protected lands, including roadless areas. A Southwick and Associates (2000) study found,

- In rural Oregon counties, during the period 1969-1997, the amount of protected lands (roadless areas, wilderness, national parks and national monuments etc.) within 50 miles of the county's center is positively and significantly correlated with employment and income growth; and 5-13

[2] http://www.wilderness.org/standbylands/forests/TWS_Values.pdf. Economic Values of Protecting Roadless Areas in the United States.

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- Between 1969 and 1997 the amount of income generated by lodging businesses grew by 120%, income generated by drinking and eating establishments grew by 151% and income generated by amusement and recreation services grew by 459%.[3]

5-14

The analysis on which the Forest has relied is inadequate, flawed and biased in a number of ways, rendering any potential decision arbitrary and capricious.

Please address these issues in your final environmental impact statement. Thank you for your time and consideration.

Sincerely,

Bryan Bird
Forest Conservation Council
Western Regional Office

Member, NFPA Board of Directors

Literature Cited

Arno, S.F., Scott, J.H. and M.G. Hartwell. 1995. Age-class structure of old growth ponderosa pine/Douglas fir stands and its relationship to fire history. Res. Pap. INT-RP-481. Ogden, UT: U.S. Department of Agriculture, Forest Service, Intermountain Research Station. 25 p.

Beschta, RL; Frissell, CA; Gresswell, R; Hauer, R; Karr, JR; Minshall, GW; Perry, DA; Rhodes, JJ. 1995. Wildfire and salvage logging: recommendations for ecologically sound post- fire salvage logging and other post-fire treatments on Federal lands in the West. Corvallis, OR: Oregon State University.

Mclver, James D. and Lynne Starr, Environmental Effects of Postfire Logging: Literature Review and Annotated Bibliography , PNW-GTR-486, USFS, 2000.

Schmoldt, Daniel L., et. al., Assessing the Effects of Fire Disturbance on Ecosystems: A Scientific Agenda for Research and Management , PNW-GTR-455, USFS, 1999.

USDA Forest Service and USDI BLM, Interior Columbia Basin Supplemental Draft Environmental Impact Statement, 2000.

[3] Southwick Associates. 2000. Historical economic performance of Oregon and western counties associated with roadless and wilderness areas

5-1. Alternatives 3, 4, 5, 6, and 7 propose precommercial thinning by manual methods in two potential bald eagle roost stands. Slash in these stands would be hand piled and burned. Alternatives 2, 3, 4, 5, 6, and 7 propose spring restoration on two springs in the Roadless Area. Thinning of conifers around springs would be done manually, fencing and developing springs would all occur through manual methods. Prescribed burning would be accomplished in the Silvies River portion and would occur through aerial ignition. Alternatives 1 and 7a propose none of these activities in Roadless areas. See also the FEIS chapter 4 for effects to the Myrtle-Silvies Roadless Area.

5-2. The literature cited section of the FEIS has been updated.

5-3. Thank you for your comment, it has been incorporated into the EIS and is now part of the administrative record for this project.

5-4. Thank you for your comment, it has been incorporated into the EIS and is now part of the administrative record for this project.

5-5. Thank you for your comment, it has been incorporated into the EIS and is now part of the administrative record for this project.

5-6. Thank you for your comment, it has been incorporated into the EIS and is now part of the administrative record for this project.

5-7. Drought and other climatic factors are primary causes of large-scale fires however ground and ladder fuels and topography are also contributing factors. We have no control over drought and other climatic factors and topography. We can however control ground and ladder fuels. Refer also to the purpose and need for action in the FEIS chapter 1.

5-8. Thank you for your comment; refer also to the FEIS chapters 3 and 4.

5-9. An alternative that proposed utilizing prescribed fire for fuel reduction without thinning, similar to the Sand Creek Ecosystem Restoration Project and the Dry Forest Strategy by the Wenatchee National Forest, was considered but eliminated from detailed analysis. Refer also to the FEIS chapter 2.

5-10. Forest Service Handbook 2409.18 provides direction to analyze financial efficiency and, if needed, economic efficiency to identify the most efficient alternative that achieves the desired objectives of the project. Consideration of the proposal that maximizes net public benefits is an important consideration of the decision-making process.

An economic efficiency analysis was completed that focused on identifiable and quantifiable ecosystem benefits and costs for each alternative in terms of the present net value (benefits minus costs) to assess which alternative comes nearest to maximizing net public benefits (36 CFR 219.3). See pages S32-S33, DEIS Summary; pages1-22 to 1-23, 3-42 to 3-46, and 4-56 to 4-61, DEIS. It was mentioned in the introduction to the SDEIS that both documents would be needed to give a total picture of the social and economic impacts. The SDEIS addresses additional non market values and social effects. This discussion on quantifiable and non-quantifiable measures will be further expanded in the FEIS.

5-11. This section in the FEIS has been updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003). A number of economists and recreation specialists at both state and federal levels were contacted prior to the economic analysis in attempts to determine the economic effects of project level management upon recreation at the local (county) level. There are no known studies that relate to this scale. As stated in the analysis, project level management effects are usually not measurable beyond the local county level due to the size and dilution factor of the state and regional economies. Coefficients developed at national, regional, or sub regional basis are usually not applicable in determining economic effects at local levels as they include disparate situations that often do not reflect local conditions. For example, ICBEMP and regional recreation figures include contributions of destination recreation areas such as Bend, Owyhee Reservoir or the Columbia Gorge, which do not match the local conditions. Project effects on recreation were evaluated, but analysis showed less than 1/10 of a job was

potentially affected, so a zero was shown. The approach described in your letter was considered, but not used in this analysis, as reliable recreation visitor day data is unavailable. The Forest Service has recognized this need for better recreation use data and a national effort is underway to sample recreation use on National Forest lands. The Malheur National Forest is scheduled to begin recreation use sampling in 2003.

5-12. The Wilderness Society study, Economic Values of Protecting Roadless Areas in the United States by Loomis and Richardson, The Economic Case Against National Forest Logging by Talberth and Moskowitz and the Southwick and Associates Study have been considered, however many of the activities and situations described in these references are either not applicable to local conditions or don't match the type of activities proposed in this analysis. Some of the benefits claimed for roadless areas in the Loomis and Richardson article also occur in roaded or actively managed areas as well. For example, soil carbon sequestration increases with saw log harvesting, and long term (10 years) following fire. The greatest results were due to increases in nitrogen fixing vegetation. (Johnson, Dale W. and Peter S. Curtis, Effects of Forest Management on Soil C and N Storage: Meta Analysis. Forest Ecology and Management 140 (2001) 227-238). Nitrogen fixing vegetation is typically greatly reduced under overstocked timber conditions and dense tree canopies, such as found in the Myrtle Silvies Roadless Area, as well as other areas with overstocked timber stands within the Silvies analysis area.

5-13. See response to comment 5-11. Also refer to the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

5-14. See response to comment 5-12.

#6

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply To
Attn Of: ECO-088

January 29, 2002

Ref: 99-090-AFS

James M. Keniston
District Ranger
Burns Ranger District
Malheur National Forest
HG74 Box 12870
Hines, OR 97738

Dear Mr. Keniston:

We have reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed **Silvies Canyon Watershed Restoration Project** pursuant to the Environmental Review Process, under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Section 309, independent of NEPA, directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions.

The Silvies Canyon watershed is located within Malheur National Forest (MNF) of the Burns and Bear Valley District. The Draft EIS (DEIS), developed last year by the MNF for this Restoration Project, proposed an action plan to implement ecosystem restoration on more than 80% of the watershed area lying within the Burns and Bear Valley District. In this previous NEPA document, the Forest Service proposed to implement a variety of management activities, including silvicultural prescriptions, prescribed burning, wildlife enhancement projects, road decommissioning, and new road construction and reconstruction.

Based on comments received in response to the Draft EIS, the Forest Supervisor chose to develop this Supplemental Draft EIS to provide additional information on environmental impacts and the effects of the alternatives raised in the Draft EIS. Primarily, the Supplemental Draft EIS was developed to disclose additional information on the potential impacts to the social and economic environments within the project area.

EPA has reviewed the Supplemental Draft EIS. The Forest Service has accomplished measurable improvements in the socio-economic sector of the SDEIS. We find this document insufficient, however, towards adequate disclosure of tribal consultation and coordination and therefore, we have assigned the Draft Supplement EIS a rating of EC-2 (Environmental Concerns - Insufficient Information).

There are important cultural, social, and economic issues related to the proposed Silvies Canyon Watershed Restoration Project within the Malheur National Forest (MNF). The Burns Paiute Tribe, a federally recognized Tribe, has historical ceremonial and cultural activities associated with the project area (SDEIS, page 2-3), as well as the greater Silvies River system. Also, the local community has a long-standing interests in the project area (SDEIS, pages 2-4 and 2-5).

D-110

EPA encourages active communications and information exchange on a regular basis in matters of concern with the Burns Paiute Tribe. Such active government-to-government activities would greatly facilitate development, design, and implementation of a FEIS for the Silvies Watershed Project. The MNF is in a special situation to help the local community and the Tribe, both economically and culturally. The MNF, through the Silvies Watershed Project, can design and implement a long-term ecological restoration program that is culturally and ecologically sensitive.

In addition, EPA wishes to extend its offer to help in this ecological restoration plan if the Tribe agrees. Linda Storm, a wetland ecologist at EPA (Region 10) with a background in ethnoecology, and Tom Connor, an environmental specialist, would be eager to assist with these issues in the future from both the ecological restoration and traditional resource rights perspectives.

Enclosed please find our detailed comments, which elaborate further on these issues. The rating and a summary of our comments on the SDEIS will be published in the *Federal Register*. A summary of the rating system we used in our evaluation of this SDEIS is enclosed for your reference. We are interested in working with MNF in the resolution of these issues. I encourage you to contact Tom Connor at (206) 553-4423 of my staff at your earliest convenience to discuss our comments and how they might best be addressed.

Thank you for the opportunity to review this SDEIS on the Silvies Canyon Watershed Restoration Project in the Emigrant Creek and Blue Mountain Ranger Districts of the Malheur National Forest.

Sincerely,

Judith Leckrone Lee

Judith Leckrone Lee, Manager
Geographic Unit

Enclosure

cc Scot Sufficool - Director, Tribal Office, EPA Region 10
Clarence Ortman - EPA Tribal Coordinator, Oregon
Dave Evans - Facilities and Environmental Director, Burns Paiute Tribe
Daniel Gonzalez - Program Manager, Burns Paiute Fish and Wildlife Department

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EPA COMMENTS ON THE SILVIES CANYON WATERSHED RESTORATION PROJECT
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (SDEIS)

IMPORTANT AND RELEVANT BACKGROUND INFORMATION (portions of which, we believe should be considered for inclusion in the FEIS)

The Silvies Watershed project area is situated within the boundaries of the former Malheur Reservation (Burns Paiute Tribe, 2001). The Burns Paiute Tribe (Tribe) has inhabited the surrounding central southeastern region of Oregon for thousands of years. The Tribe is the primary Tribal user of the project area whose members continue to actively utilize the Silvies region for hunting, fishing, plant gathering, and religious purposes (Burns Paiute Tribe, 2001). Currently, tribal members hunt for deer, elk, and groundhogs or yellow bellied marmots (*Marmota flaviventris*) and fish for redband trout (*Oncorhynchus mykiss gairdneri*). Historically, tribal members were able to fish and supplement their diet with salmon (Daniel Gonzalez, Program Manager, Burns Paiute Fish and Wildlife Department, personal communication). In addition, tribal members gather culturally important plants, such as biscuit root (*Lomatium spp*), bitterroot (*Lewisia redivia*), and wild onions (*Allium spp*). Other culturally important plants include chokecherries (*Prunus emarginata*), willow (*Salix spp*), dogwood (*Cornus spp*), and camas (*Camassia quamash*). Finally, the Tribe continues to conduct ceremonial activities within the project area. 6-1

REGARDING TRIBAL CONSULTATION AND COORDINATION

The Supplemental Draft EIS did not thoroughly or adequately address the scope and extent of the potential impacts that proposed alternatives might have on the Burns Paiute Tribe (Tribe). The FEIS should include ethnographic research and discuss any inter-governmental coordination on proposed activities within and adjacent to the proposed project area related to rights or historical utilization by the affected Tribe. Below, we highlight specific concerns.

6-2

(1) The FEIS must disclose how the MNF consulted and coordinated with the Tribe in development of the EIS as required by the Executive Order 13175.

EPA is concerned about the lack of consultation with the Tribe and members. During our review of the SDEIS, we were informed by the tribal Fish and Wildlife Manager, Mr. Gonzales, that no one had contacted him to discuss tribal concerns related to fishing and hunting in the project area.

Paraphrasing EPA Region 10's Tribal Consultation Process, "Consultation" means the process of seeking, discussing, and considering the views of federally recognized tribal governments at the earliest time in the decision-making process. Consultation generally means more than simply providing information about what the agency is planning to do

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and allowing comment. Rather, consultation means two-way communication that works toward a consensus reflecting the concerns of the affected federally recognized tribe(s).

(2) The FEIS must disclose whether the Tribe considers lands within the project area to be "sacred sites" and provide a prescriptive accommodation plan to resolve concerns, yet not publically disclose actual site locations. 6-3

According to Executive Order 13007, federal land managers are to "accommodate access to and ceremonial use of Indian sacred sites." The SDEIS has not disclosed if the MNF has consulted with the Burns Paiute Tribe on this issue.

(3) The FEIS must disclose how decommissioning and closing roads in the project area may affect tribal rights to access "historical properties." The definition of "historic properties" is found within 36 CFR 80016(k) which "includes properties of traditional religious and cultural importance of an Indian tribe." 6-4

The SDEIS has not adequately or thoroughly addressed the scope or extent of potential adverse affects that decommissioning roads and associated access might have on tribal rights to "historic properties," including access to traditional hunting, gathering, and fishing sites.

The National Historic Preservation Act, 16 USC 470, requires federal agencies to take into account the effects of their undertakings on historic properties (36 CFR 800.1). In addition, the 1992 amendments specifically gave more rights to Indian Tribes, and added more requirements for federal agencies to consult before taking actions that affect tribal historic properties.

(4) The MNF should work with the Tribe in a government-to-government relationship whereby the Tribe can work with MNF as co-managers of the natural resources. (Also, please note related comment #7 below).

MNF should work with the Tribe on areas of mutual concern, such as access issues tied to road decommissioning and closure; management of off-road vehicle use; riparian and fish habitat issues tied to water quality concerns due to 303(d) listings of water resources in the project area; and air quality issues tied to prescribed burning. 6-5

Regarding prescribed burning, in a phone discussion with the Tribe's Facilities and Environmental Director (Dave Evans), we were informed that the Tribe is pursuing long-range plans to initiate and establish haze and particulate monitoring stations. Currently, the airshed around the City of Burns and the Tribe's reservation lands are in attainment and contain some of the best air quality within the state. The Tribe is highly interested in retaining current air quality in the region.

Also, designation of the Myrtle-Silvies Roadless Area as wilderness could pose a problem to the Tribe. Such designation could be problematic for people for whom this place has been part of their homeland territory for thousands of years. As expressed in Ms. Jerofke's letter to the Burns Ranger District of November 6, 2001, the Forest Service should again engage in consultation with the Tribe before reaching a decision of designation.

Precedents have already been established for just such an approach within the Forest Service. For example, the Gifford-Pinchot National Forest has been working out and implementing co-management of Indian Heaven Wilderness Area and other traditional use areas. The Siletz and Grand Ronde have also been working with the Forest Service to find ways to integrate and support tribal access to harvesting traditional and non-traditional Non-Timber Forest Products.

(5) A separate cultural discussion should be included in the FEIS, in addition to the socio-economics section, pertinent to the project area. A separate and expanded cultural discussion section to address Tribal issues and concerns would facilitate pertinent cultural awareness for the reviewer and decision-maker.

We recommend that large portions of Linda Jerofke's letter to the Burns Ranger District of February 21, 2001, be included in the FEIS. 6-6

We recommend that all general tribal information should be pooled together into one heading. For example, "Tribal uses" (SDEIS, page 2-3) should not be included under "Recreational Uses" section, but in a separate Tribal section. Tribal use rights should include hunting, gathering, fishing, and ceremonial activities where it can be more thoroughly addressed. Furthermore, the practices of traditional resource harvest fall within the categories of 'recreation', economic, and spiritual. All of these are tied to cultural identity and legal rights. The supplemental EIS needs improvement in acknowledging the significance of these tribal resource rights for the Burns Paiute Tribe so as to more fully disclose tribal trust responsibilities.

6) Regarding the *Economic Diversity* section, there is an omission of the importance of subsistence activities both for the Tribe. As presented, there is insufficient treatment of potential impacts to restricted access within the project area as posed by some of the alternatives. 6-7

The SDEIS does present strong evidence of subsistence activities by local residences and communities (many local families use big game and fish to supplement their food supply; furthermore, firewood is a primary heating source for residences due to its availability and lower energy cost, SDEIS, p. 2-4). But the SDEIS did not directly reference the importance of subsistence activities for the Tribe. Subsistence activities has always been a integral element for the Tribe, both from a cultural and practical perspective. The SDEIS should enlarge its discussion of this Tribal element.

7) Under the discussion *What are the Nature of Relationships Among the Community, the Forest and Larger Ecosystem?* (SDEIS, page 2-14), the concerns of "American Indians" are lumped with local resident concerns. As noted in Linda Jerofke's letters from the Burns Paiute Tribe, specific portions of southeastern Oregon are in the traditional territory of the Burns Paiute Tribe and not "American Indians" generally. This section does not adequately address the government-government responsibility of the Forest Service to recognize the rights of the Burns Paiute Tribe and their long term relationship with this landscape. Even if members of the Burns Paiute Tribe only visit areas within the Malheur Forest several times a year (as noted bottom of p. 2-14) this use is not the same kind of relationship as local residents who are not of Native American descent. The temporal connection with the landscape is much longer for those of Native American descent. The multi-generational connection, stories, place names and long-term, and repeat returns to hunting, gathering and fishing places is a very different kind of relationship. As noted in Linda Jerofke's letter, these relationships are part of heritage, culture, spiritual meaning and resource rights for Burns Paiute Tribal members. 6-8

Again, we suggest the Malheur Forest consider taking a more active approach to inviting and involving the Burns Paiute Tribe in co-management approaches to implementing its Watershed Restoration Plan. Such an approach could support attaining goals and objectives of the Watershed Restoration plan in ways that engage the tribes traditional ecological knowledge and resource management practices. We believe such approach would lead to finding a common ground to continue to accommodate and foster the Tribe's resource harvest rights and the essential long-term goals of ecological restoration.

D-115

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION*

Environmental Impact of the Action

LO--Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate
EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information
The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment.

6-1. This section of the FEIS has been updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003) and the Silvies Canyon Project Cultural Resource Report.

6-2. Consultation did occur and was documented in the DEIS page 1-19. This section in the FEIS has been updated. During the DEIS development consultation was done with Ms. Linda Reed-Jerofke. With recent personnel losses at the Tribal Offices, we have asked the Tribal Council to confirm the process they wish to use for consultation.

6-3. This type of information is generally not shared outside the Burns Paiute tribe.

6-4. The SDEIS attempted to disclose effects of reduced road systems on needs of Tribal members. This discussion will be expanded in the FEIS chapter 4. Refer also to the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

6-5. Most of the issues mentioned had been previously identified in consultation with Tribe on this project. Further study of the area as wilderness has never been part of this project. The subject came up only as a result of contacts with environmental interests during scoping for this project.

6-6. This section in the FEIS will be updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

6-7. The SDEIS attempted to describe the high importance of subsistence activities by both Paiute and non-Paiute members of the local communities. This distinction will be better made in the FEIS, see also response to comment 6-6. The effects to the Burns Paiute Tribe are fully disclosed in the FEIS chapter 4 see also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

6-8. In the DEIS, the term “Native American” was used so as not to exclude the probable use and claims of use of the project area by other American Indians. This has been updated in the FEIS. Refer to the FEIS chapters 3 and 4 and the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

JAN 2 2002 Bonnie J. Wood Bill S. (7)

Karen Coulter
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Blue Mountains Biodiversity Project
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Bonnie J. Wood
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The Supplemental Draft Environmental Impact statement (SDEIS) for the Silvies Canyon Watershed Restoration Project (SCWRP) inadequately considers and displays the full range of effects to both public and private sector income and employment resulting from federaldecisions and actions. There is a lack of consideration given to the full range of relevant factors in measuring present net value, benefit/cost ratios, and other short and long term social and economic effects from this project.

It is not clear from the DEIS and SDEIS that the timber industry comprises a large portion of portion of the Grant and Harney County economies. Statements that refer to these counties as being "heavily dependent on raw material exports, mostly in the form of wood products, livestock, or agricultural products" (SDEIS p.2-12, par. 4) give little insight into the matter. Lumping timber products together with all other raw material exports presents an unrealistically inflated view of the importance of timber to the local economy. The DEIS shows that only 10% of the non-farm wages are in lumber and wood manufacturing.(DEIS p.3-44, table 3-7) While it may be possible that the "Trade" section of this table includes other jobs related to local raw material exports of timber products, this is never made clear in the document. In general, the overall economy of Grant and Harney counties are small enough that any changes are likely to be noticed, but this does not automatically translate into a timber dependent local economy. 7-1

D-118

We have concerns about the way coflicts are presented in the SDEIS regarding the goals of conservation and modern timber management. Critics of current U.S. Forest Service (and other public lands agencies) actions are not just basing their perceptions on past timber management practices. Concerned individuals and groups such as Blue Mountains Biodiversity Project make a point to get involved in the planning process for projects such as the SCWRP. Most of the time, public involvement is a result of having a direct connection and interest in a particular area. It is not typically a result of information found on the Internet, as was indicated in the SDEIS (p.2-20) The involvement process includes reading the planning documents, commenting at different phases of the project, and walking the project units that will be affected. The units of the SCWRP we have seen so far are heavily marked to cut. In fact, many units we have seen are marked as virtual clearcuts, not the "thinning" described in the documents. In units with a multi-storied canopy, the understory and most of the midstory would be eliminated. if the currently proposed project was implemented, there would be numerous negative effects to area soils, wildlife, hydrology, and waterways. Our other concerns about the SCWRP are detailed in our earlier written comments on the DEIS, incorporated here by reference.

7-2

7-3

The SDEIS refers to dips in the local economy in recent years from "less available wood fiber due to environmental restrictions" (SDEIS p.2-12, par. 4) While increased market competition is mentioned in passing as another factor, it is unclear what percentage of the economic decline is attributed to each trend. Also, other factors such as the wide-scale overcutting of Northwest forests, increased automation and mechanization, exports of minimally processed wood, importing of exotic woods, the shifting of wood production overseas, and increased financial costs associated with deforestation are not given as reasons for the decline of the local and national timber industry. Neglecting to describe the full range of reasons for this decline demonstrates a biased and compromised approach to economic analysis.

7-4

D-119

The section "Desired Conditions of the Forest"(SDEIS, p.2-15) demonstrates continued bias. While we agree with some of the "desired conditions" listed, it has not been shown that the SCWRP will enhance these conditions. Unfortunately, it is likely to be detrimental to forest ecosystems. This section also delves into a false dichotomy of the conflict between those advocating a "hands off" approach to management and those interested in promoting the "desired conditions of the forest" It is true that conservationists advocate for forest conditions described in par. 8 on p. 2-15 (SDEIS), but can you clarify who is advocating for a totally "hands-off" approach as described in SDEIS?

7-5

7-6

While many conservationists support currently proposed legislation to end commercial logging on public lands, this is in no way synonomous with having no management whatsoever of public lands. This legislation would redirect some of the millions of dollars lost yearly by the federal timbersale program into much needed worker retraining and restoration projects. This would occur at a much lower cost to U.S. taxpayers and still allow personal aquisition of firewood, posts and poles, and non-timber forest products. Truly beneficial thinning could occur in areas where fire has been suppressed and it is needed for forest health or reducing fuel loading. It is unfair to present a false dichotomy between an unspecified group wanting a "hands-off" approach with no management and the desires of local communities and federal managers. Such a simplistic characterization works to polarize those interested in what happens on public lands. Resources would be better spent planning projects that acheive the common goals of everyone involved.

7-6

With the case of the SCWRP, we feel that there are some management actions that could have positive ecological and economic effects. However, we have many concerns about the currently planned management by the Forest Service. While field checking we saw some very dense areas where it would be acceptable to do some pre-commercial thinning by hand of young trees.

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D-120

However the perceived need to reduce fuel loading in much of the area is unfounded. Much of the forest we have seen so far is composed of mostly green (live), widely spaced pine trees with very little underbrush. Many units have already been thinned or have undergone prescribed burning. The risk of a high intensity fire is low in these areas. On the contrary, the heavy logging proposed by the SCWRP could increase the risk of fire in the area. On the ground experience has shown, and scientists concur that fire can burn with great intensity through logged and clearcut areas. The logging creates areas with increased wind speed, drier microclimate conditions, and concentrated fuels such as slash piles. We are not advocating for an "undisturbed uniform landscape" (SDEIS p. 2-16, par. 5). We agree that it is natural for the forests of Eastern Oregon to have a "varying range of forest structure." (SDEIS p. 2-16, par. 3) However, we feel that the massive scale of disturbance planned by the SCWRP will result in a less diverse landscape. This project is not comparable to historic disturbance activities, including the fires set by Native Americans. The scale is much larger, the effects more intense, and the negative impacts are far greater, especially when the cumulative effects of previous Forest Service management are assessed. For example, the forest canopy is already fragmented from past logging, much large structure has already been removed, and soils are heavily compacted from logging and livestock grazing.

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7-8

While we agree that the forest contributes to the quality of life, we question why the economic value of intact forest ecosystems was not calculated into the net present value for the SCWRP. It is not true that ecosystem services are not "measureable at the project level in terms that provide meaningful comparisons of commensurate dollar values" (DEIS p. 4-59, pa par. 1). Factors are conspicuously absent from the F.S. analysis of economic benefits such as those associated with:

7-9

1) Recreational opportunities and tourism;
2) Commercial and recreational fisheries within the boundries of the Malheur National Forest and downstream and offshore;

7-10

D-121

3) Habitat for important game species and hunting both within and outside of th Malheur National Forest;
4) Water for cities, industries, businesses, and individual households downstream from the Malheur National Forest;
5) The regulation of water flowing through rivers and streams, including flood control;
6) Non-timber forest products such as wild mushrooms, herbs, and medicinal plants
7) Mitigation of global climate change through absorption and storage of vast amounts of carbon;
8) Enhancing the quality of life of neighboring communities;
9) Harboring biological resources that either have value now or have as yet unknown but potentially large economic and social value;
10) Harboring biological and genetic resources that can improve the long-term productivity of all forest land;
11) Pest-control services provided by species that prey on agricultural and forest pests, and;
12) Pollination services provided by species that pollinate important forest and agricultural crops

1-10

These are important economic benefits generated by national forests throughout the U.S., including the Malheur National Forest. The Forest Service has extensive literature to quantify the magnitude of these economic benefits at the national, Forest, and project level. While lumber and wood products are readily available from the 80% of forested land in the U.S. outside of National Forests, clean water, recreation, wildlife, and other public uses are not.

The section of the SDEIS describing recent social and economic trends relevant to managemant of ecosystems does not relay information about recent political events which could affect county payments. A recent congressional proposal would reduce the amount of funding that counties with large percentages of federal land ownership would receive from the federal government in lieu of the ability to assess property taxes. The SCWRP may not provide a significant amount of money to the local economy.

1-11

D-122

Payments to counties should be decoupled from federal timber receipts. Relying on the fluctuations of the timber market is is an unsustainable way to fund watershed restoration, schools, and other important county projects.

In the section on Technological Change (SDEIS p.2-18) new job opportunities are only discussed in terms of ways to employ people in the timber industry. There is not a similar section detailing opportunities for non-extractive forest related employment or opportunities for non-forest work. In reviewing the SDEIS and DEIS, it is not shown that the proposed project will generate a positive income. The U.S. Forest Service never substantiated that recovering the economic value of the trees and providing timber to the economy was necessary. Notably, the price of timber has dropped dramatically, especially for eastside forest products. It does not make sense to portray this project as being necessary to provide timber to an already glutted market. This is demonstrated by the statement "continued research is needed to determine economic uses of the type of wood available." (SDEIS p.2-19, par.4) Moreover, Table 4-12 in the DEIS shows that all commercial logging alternatives for the SCWRP have a high risk of receiving no bids in today's market. The presumption that this project will benefit the local economy is unfounded.

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We feel that significant and potentially significant social and economic consequences are not fully disclosed for any of the alternatives in the SDEIS. First, there is inadequate analysis of effects to recreation. Why is there an assumption that the more roads that remain open, the better an area is at meeting the motorized recreation need? Isn't it possible to meet this need, but with less open roads? For those who hunt and fish, less open roads may change access but result in greater success at these pursuits because of increased wildlife and fisheries numbers. The beneficial effects to non-motorized recreation may be offset by the negative effects from the actions planned in the Myrtle-Silvies Roadless Area, as well as negative impacts

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to wildlife, scenic beauty, and overall ecosystem damage. 7-15

It is not quantified how opportunities for restoration and enhancement work would help to maintain human populations in Grant and Harney Counties over the next ten years (SDEIS p.3-3, par.6). Are these "opportunities" based on mitigation measures with unguaranteed funding? 7-16

There is inadequate analysis comparing the more restoration-focused alternatives to the alternatives with commercial logging This is partially because many aspects of truly restoring the watershed have been left out, such as including more road obliteration as opposed to superficial gated closures. Second, the economic benefits of standing trees are given no present net value. Third, external costs of logging are not calculated. Fourth, no explanation is provided about why it is such a given that restoration projects will not be funded any time in the near future. No mention is made of the possibility of taking bids on contracts to do restoration work. Instead, we are to accept that it simply will not happen. Finally, we have concerns that effects from all alternatives (besides alternative 1) are being evaluated as though it is guaranteed there will be companies offering the minimum bid. There is no evidence indicated in the SDEIS or DEIS that there will be any companies offering the minimum bid. There is no evidence indicating that the money spent on preparing the sale will be recouped. 7-17

Despite Forest Service claims, it is not substantiated in the SDEIS that the currently proposed vegetative actions would have any benefit , or have more benefit to disadvantaged groups than Alternative 1. We also take issue with the assertion that maintaining the current level of open roads (in Alt. 1) would provide the most benefit to elderly or mobility impaired people and the Burns-Paiute for access into the area. While roaded access to the watershed is important for these groups, it is not confirmed in the SDEIS or DEIS that these groups are currently using all 314 miles of roads. Isn't it possible to close many of these roads while still ensuring good access? 7-18 7-19

D-124

Most roads that are typically suggested for closure by the Forest Service are from past logging use, are currently little-used, and produce negative impacts to streams, soils, plant cover and wildlife, fisheries, and increase the chance of introducing noxious weeds.

Since opportunities for firewood gathering already exist in the project area and are often offered under categorical exclusion, it is confusing why the No Action Alternative Alternative is deemed to have a negative impact on the elderly, low-income people, and tribal members who rely on firewood. The SCWRP is not necessary to provide this already available resource. 1-20

TheSDEIS makes the conclusion that the No-Action Alternative would have the most negative effects to disadvantaged groups by providing only 10 potential jobs, butis unclear how likely it is that people from these groups will be the ones hired for the estimated 280 jobs that could be available if the preferred alternative is implemented. Does the Malheur have data showing the number of people from these groups who have been hired since February 1994 when Executive Order 12898 was issued (focusing on Environmental Justice)? If so, it should have been disclosed. While "76,000 acres of sustainability work is listed as a positive impact on disadvantaged groups, it is not quantified how many jobs this will likely provide for the Burns-Paiute and low-income or elderly people. 1-21

In describing the negative impacts of the No-Action Alternative, the SDEIS includes the absence of proposed activities to "make forest resources sustainable over the long-term." (SDEIS p.3-5, par.4) What activities are being referred to by this statement? Certainly the proposed vegetative actions of the SCWRP are not sustainable. Many units are currently marked heavily enough to pass as clearcuts. The socio-economic benefits of intact forests to disadvantaged groups are given no consideration in the SDEIS. The Burns-Paiute could be negatively affected by the degradation of traditional hunting and fishing sites and gathering areas for non-timber resources, and negetive impacts to cultural,recreational, 1-22 1-23 1-24

D-125

and spiritual sites. Other potential impacts to the Burns-Paiute include loss of wildlife abundance and diversity and asthetic values. 7-24

As in the situation with firewood, the SCWRP is unnecessary to provide small ranchers with posts and poles. This resource is already available to ranchers and others in the area. Post and pole cutting is often offered as a categorical exclusion and as such the No-Action Alternative would not negate this resource. 7-25

As far as public health is concerned, we do not follow the logic that the proposed vegetative actions will improve hydrologic function or water quality in the short or long-term. This assumption is not explained or justified. We feel that many of the purposed actions may degrade water quality by decreasing shade, filtering capacity, and riparian vegetation and by increasing erosion and sedimentation of streams, potentially impairing watershed or subwatershed hydrologic flows. The SCWRP fails to address the negative effects of compacted soils, eroded streambanks, denuded riparian vegetation, lowered water table, and contaminated local water flows. 7-26

We are concerned that the contributions of standing forests to clean air and water are being completely discounted by the planners of the SCWRP. Stating that the No Action Alternative presents greater risks to human health because of high fire potential is an assumption based on opinion, not evidence. True the amount of wood smoke affects air pollution. However forests also affect the degree of air pollution by acting as filters to purify the air. The occurence of stand replacement wildfire is not a given in this area, and as we stated earlier, treatments may increase the risk of high intensity fires. However, the loss of air-filtering capacity and carbon storage resulting from logging and the smoke released from prescribed burning will have quantifiable negative effects to human health and global warming. 7-27

These effects should be analyzed. Equating all fuel treatments with long term decreased air quality is not backed up by evidence.

We are concerned that many of the conclusions in the Silvies SDEIS are based on opinion and not evidence. The data presented 7-28

D-126

is the end result of analysis that was inadequate in the first place. This indicates bias on the part of the agency. It is never specified how many local mills could take the trees from the commercial logging portion of the SCWRP. While alternatives are analyzed in terms of "potential" jobs, it is not shown that loggers and other workers will be hired locally. The summary of effects to other counties (SDEIS-Figure 12, p.3-13) shows that over one fourth of the potential income from the project would go outside of Grant and Harney counties. In evaluating this project, the Forest Service has failed to incorporate information about externalized costs passed on to communities, businesses, and individuals when national forests are logged. These include the direct, indirect, and cumulative economic costs associated with:

1) Lost recreational opportunities and decreased tourism;
2) Degraded commercial and recreational fisheries within the boundries of the Malheur National Forest and downstream;
3) Increased pollution of water for cities, industries, businesses, and individual households downstream from the Malheur National Forest and increased costs of water filtration;
4) Increased flooding and disruption of the normal flows in rivers and streams;
5) Loss of non-timber forest products such as wild mushrooms herbs, and medicinal plants;
6) Exacerbation of global warming through release of greenhouse gasses
7) Diminished quality of life of neighboring communities;
8) Loss of biological resources that either have value now or have as yet unknown but potentially large economic and social value;
9) Degraded habitat for important game species and loss of hunting opportunities both within and outside of the Malheur National Forest;
10) Loss of biological and genetic resources and species that can improve the long-term productivity and

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aesthetic qualities of all forest land;

11) Diminished pest-control services provided by species that prey on agricultural and forest pests;

12) Diminished pollination services provided by species that pollinate important forest and agricultural crops;

13) Lost jobs and income associated with the production of alternative and recycled products that is displaced by subsidized Malheur National Forest timber sales;

14) Lost jobs and income associated with the production of timber on private lands that is displaced by Malheur National Forest timber sales;

15) Death, injury, and property damage associated with logging on the Malheur National Forest, and;

16) Increased risk of severe wildfires caused by adverse changes in micrclimate, higher wind speeds, and slash generated by timber sales

7.31

The Forest Service has extensive literature and sources of data that it can rely upom to quantify the magnitude of these externalized costs at the national,forest, and project level. However, this information was not utilized in the economic analysis for the SCWRP. Failure to incorporate externalized costs and otherwise adequately analyze all relevant factors relating to costs and benefits of the SCWRP is in violation of numerous statutes, regulations, and government directives.

We are concerned that the SDEIS and DEIS neglect to disclose all project costs beyond net project value. While the Forest Service does disclose the $268,000 invested in planning, public scoping, and environmental analysis at the time the DEIS came out, it is not clear that all costs of preparing the project are being made public. These costs may include administrative overhead, publication costs, survey costs, road maintainence and construction, future monitoring, future restoration to repair damages caused by the project, and other long term expenditures such as reforestation and mitigation measures. Potential litigation costs are also left out of the analysis. We also have concerns that the preferred alternative is the one that will result in the most money going towards federal salaries. While job opportunities are important, we are concerned that this may represent a conflict

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of interest on the part of the Forest Service.

A recent GAO report concurs that Forest Service accounting systems are meaningless because they cannot accurately account for expenses and incomes. The Malheur National Forest has not shown that it has overcome this deficiency. Given the situation, we question the rationale to proceed with such a large scale project that will detrimentally impact the resources in the planning area.

D-129

7-1. This has been updated in the FEIS chapters 3 and 4. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-2. Thank you for your comment, this section in the FEIS has been updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-3. The effects to soils, wildlife, hydrology, fisheries, and water quality are fully described in the FEIS chapter 4.

7-4. Thank you for your comment, this section in the FEIS has been updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-5. Thank you for your comment, this section in the FEIS has been updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-6. Thank you for your comment, this section in the FEIS has been updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-7. Thank you for your comment, the FEIS chapter 3 describes the existing fuel conditions and chapter 4 describes the effects of our proposed actions.

7-8. Thank you for your comment. The existing vegetation condition has been described in the FEIS chapter 3. Existing soil conditions are also described in the FEIS chapter 3, briefly, soil quality standards have been met in about 99% of the units according to the sampling.

7-9. Refer to response to comment 5-9.

7-10. Refer to response to comment 5-9.

7-11. Thank you for your comment, this section in the FEIS has been updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-12. Thank you for your comment, this section in the FEIS has been updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-13. The purpose and need statement in the FEIS chapter 1 has been updated. The statement in the SDEIS pg 2-19 par. 4 refers to the small round wood (less than 10 inches dbh) that is abundant in the forest. Refer to the SDEIS pg 2-18 par. 1. This section in the FEIS has been updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-14. These sections in the FEIS have been updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003). Generally, people who prefer roaded access would be better served by the Alternative that has the most open roads. Effects to roaded access are fully described in the FEIS chapter 4.

7-15. The effects to the Myrtle-Silvies Roadless Area are fully described in the FEIS chapter 4.

7-16. Thank you for your comment, this section in the FEIS has been updated. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-17. The effects of each alternative are described in the FEIS chapter 4. Forest Service budgets, especially in Region 6 continue to be reduced every year. With a reduction in budgets, fewer projects get funded each year. See also response to comments 5-9 and 5-10. Refer also to the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003). You are correct, there is no guarantee the money spent on preparing the sale will be recouped. The purpose and need for action in the FEIS chapter 1 has been revised and describes the need for action.

7-18. Thank you for your comment, this section in the FEIS has been updated. Refer also to response to comment 7-21. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-19. Yes, it is possible to close many roads while still ensuring good access. However, when roaded access is very important to certain groups like the elderly, mobility impaired and the Burns Paiute Tribe, and these groups do not specific exactly which roads they use, then the alternative that provides the most open roads would benefit these groups the most. See also the FEIS chapter 4 and the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-20. Thank you for your comment, this section in the FEIS has been updated. In the FEIS, Alternatives 2, 4, 5, 7 and 7a would make firewood available that Alternatives 1, 3 and 6 would not. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-21. The strength of the economy not only affects the average worker and businesses in the community, it also affects low income and minorities (Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects, June 1, 2003). See also the FEIS chapter 4.

7-22. Commercial harvesting, precommercial thinning, prescribed burning, post and pole sales, juniper reduction, noxious weed treatments, aspen restoration, cottonwood restoration and spring restoration are all activities that would aid in making forest resources sustainable over the long term. See also the FEIS chapters 3 and 4.

7-23. Thank you for your comment, see also the response to comment 5-9.

7-24. The effects to the Burns Paiute Tribe are described in the FEIS chapter 4. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-25. The effects to the Burns Paiute Tribe are described in the FEIS chapter 4. See also the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-26. The SDEIS pg. 3-7 par. 7 states, “Alternatives that improve watersheds and bring vegetation back into sustainable conditions potentially increase hydrologic function and subsurface water movement, and thus would benefit aquifers and streams in the long term.” See also the FEIS chapter 4.

7-27. Current vegetation conditions within the project area are not sustainable. A stand replacement fire is probable. See also response to comments 5-9 and 5-10. Refer to the FEIS chapters 3 and 4 for more information on vegetation condition. Effects to air quality in the FEIS chapter 4 have been updated.

7-28. Thank you for your comment, in the absence of site-specific information we cannot properly respond to this comment. Refer to the FEIS chapter 4 and the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-29. Any of the local mills could submit a bid for commercial harvesting contracts.

7-30. There is no guarantee that local loggers and other workers would be hired.

7-31. See the response to comment 5-9 and 5-10.

7-32. See the response to comment 5-9. Also refer to the FEIS chapter 4 and the Silvies Canyon Watershed Restoration Project FEIS Social and Economic Conditions and Effects (June 1, 2003).

7-33. Thank you for your comment, it has been incorporated into the EIS and is now part of the administrative record for this project.

7-34. Thank you for your comment, it has been incorporated into the EIS and is now part of the administrative record for this project.

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

In Reply Refer To:
ER 02/30

JAN 14 2002

Mr. James M. Keniston
District Ranger,
Burns Ranger District
HC-74 Box 12870
Hines, Oregon 97738

Dear Mr. Keniston:

This is in regard to the Department of the Interior's comments for the Supplemental Draft Environmental Impact Statement for the Silvies Canyon Watershed Restoration Project, Malheur National Forest, Grant and Harney Counties, Oregon.

This is to inform you that the Department may have comments, was unable to reply before the comment deadline. Please consider this letter as a request for an extension of time in which to comment on the document.

Our comments, if any, should be available by February 19, 2002.

Sincerely,

Terence N. Martin

Terence N. Martin
Team Leader
Natural Resources Management
Office of Environmental Policy
and Compliance

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8-1. No response necessary.

FEB 2 8 2002

Bill NAS
Lori Bailey

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
500 NE Multnomah Street, Suite 356
Portland, Oregon 97232-2036

IN REPLY REFER TO:

#9

February 27, 2002

ER 02/30

Ms. Bonnie J. Wood, Forest Supervisor
Malheur National Forest
431 Patterson Bridge Road
P.O. Box 909
John Day, Oregon 97845

Dear Ms. Wood:

The Department of the Interior reviewed the Supplemental Draft Environmental Impact Statement for the Silvies Canyon Watershed Restoration Malheur National Forest, Grant and Harney Counties, Oregon. The Department does not have any comments to offer.

We appreciated the opportunity to comment.

Sincerely,

Preston A. Sleeger
Regional Environmental Officer

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9-1. No response necessary.